

Conflict and Compromise in the Late Medieval Countryside

Lords and Peasants in Durham, 1349–1400



P. L. Larson

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For my parents

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Notes on References, Translations, and Currency

Unless otherwise stated with a prefix of PRO or CCB, all references to documentary sources are from Durham Cathedral Muniments, and “DCM” should be added to the abbreviated reference (e.g., Halm. Rolls Summer 1387 is DCM Halm. Rolls Summer 1387).

I have attempted to keep the amount of Latin in the body of the text to a minimum. Unless otherwise noted, all translations are my own. Selections of the Priory halmote court rolls up to 1384 have been published as *Halmota Prioratus Dunelmensis*, and Rosemary Horrox has translated some of the bishopric halmote court book entries (1994b).

It is very difficult to translate medieval monetary values into modern equivalents, despite the use that such a translation would be, especially for those who are less familiar with the medieval European world. It is all the more difficult because prices and wages fluctuated greatly during the period under consideration. Just before the Black Death, an agricultural laborer made between 1½d. and 3½d. per day; the price of a gallon of ale in Durham often was 1½d. I have left all values in the standard units of the time:

One pound (£)	=	20 shillings (s.)
1 mark	=	13 shillings 4 pence
1 shilling (s.)	=	12 pence (d.)

Abbreviations

<i>Account Rolls</i>	<i>Extracts from the Account Rolls of the Abbey of Durham</i> , ed. Fowler
<i>Boldon Book</i>	<i>Boldon Book</i> , ed. Austin
Bur. acs.	DCM Bursar's Account Rolls
<i>Bursar's Rentals</i>	<i>Durham Cathedral Priory Rentals, vol. I: Bursar's Rentals</i> , ed. Lomas and Piper
CCB B/	Church Commission Deposit of Durham Bishopric Estate Records: Financial and Audit Records to 1649 Financial
DCM	Durham Cathedral Muniments
DURH 3/	Durham Cursitor's Records
<i>FPD</i>	<i>Feodarium Prioratus Dunelmensis</i> , ed. Greenwell
Halm. Rolls	DCM Priory Halmote Court Rolls
Halm. Bks.	DCM Priory Halmote Court Books
<i>Hatfield's Survey</i>	<i>Bishop Hatfield's Survey</i> , ed. Greenwell
PRO	Public Record Office, Kew, London

Reg. DCM Durham Priory Register

Rites *Rites and Monuments of the Cathedral Church of Durham*,
ed. Raine

SotR *Statutes of the Realm*, ed. Luders *et al.*

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Introduction

Any reader of medieval English records cannot help but be struck by the humanity contained therein: Little Steven, John Vigerous, William Standupryght, Margaret Passion, and the woman known only as Preciouse reveal through their very names what their contemporaries thought of them and simultaneously evoke images in our heads of what these men and women may have been like. In their free time—or when they should have been working—they played sports and games, gossiped over a pot of ale, flirted, and quarreled over disputes great and small. We catch glimpses of a society that was very much alive and full of color and energy, and we may think that these people were not so different from us. Yet, at the same time that these records arouse the warmth and optimism that familiarity brings, they induce a certain melancholy because the language used clinically conveys the fear, anger, and frustrations of the time. Moreover, there are limits to what the modern historian can discover about their lives. What led to the conviction of two sisters (or were they a mother and daughter?) for fornication in the same court session—merely poverty, or a simple lack of opportunities for women?¹ What caused such bad blood between men that their lord imposed sureties for the peace to the tune of £20—1,200 times the daily wage of a skilled worker, 3,200 times that of a laborer?² These anecdotal glimpses of medieval people echo modern society as much as they point out the contrasts.

The feuds of peasant men and women evoke emotions and divisions strikingly similar and just as petty as those on television today, while the passing references to hope and hopelessness in the face of death, disease, and the forces of nature vividly call to mind modern disasters. As rural English society put itself back together after the Black Death, these seemingly minor entries from the court rolls take on greater meaning and provide windows into the hearts and minds of those who lived in such tumultuous times.

There are limits to what a historian can recover, and many questions about individuals will remain unanswered. It is possible, however, to examine one or two aspects of those individual lives and mentalities through the effects of their decisions. Such decisions were all cause and effect of the far-reaching transformation that wracked England in the century and a half after the Black Death. The period from 1348 to 1400 was an especially crucial point in the transformation of the rural English countryside from medieval to modern. The plague's mortality, combined with declining fertility and the expensively futile Hundred Years War, exacerbated latent social tensions between lords and peasants. These culminated, not in the explosive Rising of 1381, but in a subtler shift. Rural England changed significantly, with serfs and seigniorial lords fading into the background to be replaced by tenants and landlords, all with concomitant changes in village and estate structures. These changes were tumultuous, marked by hidden and even open conflict.

Conflict is one focus of this book; compromise, or negotiation, is the other, for the two cannot be studied in isolation. The context is the changing relations between lords and peasants on the estates of the Bishops of Durham (the bishopric estate) and of the Prior and Convent of Durham (the Priory main estate). At its heart, this is a narrative reconstruction of the struggle for control, from the internecine quarrels of peasant families seeking local dominance to the quotidian give and take between lord and tenant, all punctuated by sporadic outbursts of violent conflict. By 1400, the transformation on each estate was largely complete, and a new status quo had emerged. The building blocks had existed for quite some time, requiring only sudden changes in outlook and mentality to re-arrange them into new, and different, patterns.³

While employing traditional techniques of medieval social and economic history in studying these transformations, I have adopted and adapted ideas from other fields. Medieval history has never been a hermetically sealed discipline, and the potential of a varied approach to a question is a strength of the field. Thus, I have attempted to reach further afield, searching for ideas and inspirations in studies of peasants and slaves in other places and in other times. While this is partly due to my own fascination with those fields, it is also because scholars working on those subjects possess tools and concepts not readily available for medieval history. I cannot go back in time to interview a woman from Sedgefield of 1400 or a man from Billingham in 1350; I have no serf diaries to show what life was really like. But I can use methods and theories derived from oral histories or created from the study of diaries and autobiographies to compensate partially for the disadvantages of medieval history. I will be the first to admit readily that these methods are

not always applicable and do not always render useful results; yet, they are an aid to making medieval history come alive. While my emphasis is on socio-political relations, both in narrative and in theoretical approach, I am very concerned with trying to evoke the relevant aspects of peasant mentality. Isolating trends of agonistic showdowns and shrewd negotiations is only part of the story; to understand what happened fully, we must know as much as we can about why lords or peasants made the choices they did. Human motivations are legion, and “rational” or “irrational” depends heavily on context and mentality. Medieval peasants may or may not have been aware that they were part of a trend or that their actions contributed to a movement in the price of wheat; and they may well have intended a different result. In post-Black Death Durham, it may be clear *what* happened, but only the analysis of language and potential motives will explain the *why*; the opinions and perceptions of the time can be more important than the raw data in understanding how and why lords and peasants made their decisions.

Trends alone do not cause a specific course of action. This is true of disasters as well. I must stress, given the *terminus post quem* of my study, that the plague was not the determining factor of events. If the Black Death was a causal factor, how do we explain the different outcomes of different estates or of different villages? Neither disease, nor economic slump, nor demographic crisis determined specific outcomes. Individuals did. The Black Death initiated a period of instability, it made change easier, and it provided people with an opportunity. As we should have learned from modern disasters and upheavals, people react to change in their own ways; some panic, some take refuge in denial, others enact varying schemes to adjust or profit. Even in terms of structures and institutions, this is so. Consider the history of serfdom in Europe after the Black Death; in England, serfdom soon disappeared, but other areas of Europe saw its resurgence, and the reasons why are the subject of the famous Brenner Debate (Aston and Philpin). In the end, English lords were unwilling to take the steps necessary to preserve the older order. The telling blows were not landed in the great law courts or through violence, but through a myriad of small, unconnected actions that threatened to bring the manorial system to a halt and prevent its functioning. The explanation for all the changes in England lies not in the epidemic of a disease, but in the apparently inconsequential actions of individual men and women that ultimately had far reaching consequences. Mentality, or ideology, can cancel out economic and demographic forces, and changes in society do not always match the chronology of demography or economy.⁴

Durham, served by an abundance of records, provides an excellent site for a study of power relations in rural England after the Black Death. The

two major ecclesiastical estates had different histories after the Black Death, neither of which is explainable solely by conflict or cooperation. This study attempts to advance a new, loose model of rural social dynamics. In this unsettled period especially, the relationship between lords and peasants was fluid and extremely contingent on their perceptions of prevailing political and economic circumstances, and as such could change swiftly and dramatically. Although shifts in the relationship apparently coincide with exogenous crises of mortality, the course of events depended principally on human choice, action, and interaction.

On the topic of interactions, the arrangement of this book requires an explanation. Part I comprises the first three chapters, providing an overview of the basic questions and the approaches taken to the records. It lays the foundation for the rest of this study with background on Durham and the two ecclesiastical estates. The social, tenurial, and manorial institutions of Durham possessed a number of interesting features; some of these directly influenced events after the Black Death, while the reader may require knowledge of others to follow along in the narrative. Part II covers the events after the Black Death. Here the organization is unusual. Chapters 5 and 6 trace events primarily on the bishopric estate, Chapters 7 and 8 primarily the Priory main estate. The reason lies in the uneven survival of records. The necessary chronological approach to the events of the period requires a switch from one estate to the other until Chapter 9, when records permit an evaluation of both estates at the end of the fourteenth century. Additionally, the first four chapters of Part II are paired; in Chapters 5 and 7, I examine events from the seigniorial perspective and in Chapters 6 and 8, I turn to the actions of the peasants. This divide is artificial, as lords and peasants acted and reacted together, but a separate examination provides depth and grants equal agency to each side. Naturally, there are tradeoffs in a project such as this one; there is no attempt to reconstruct family or social networks, or to describe the daily lives or worldviews of the peasants. Instead, I am looking at issues of power and negotiation within manorial or peasant society. The Durham halmote records are an excellent source for examining the interaction of lords and peasants, estates and village communities, and thus I can focus on the general culture of conflict and compromise, building off of these earlier works. The approach I have taken is rather eclectic, and I am not the first person to do this or to tackle these questions; but I believe the unique constellation of these foundations and this topic with the bishopric and Priory main estates has produced new and beneficial findings.

Part I

Chapter One

Lords and Peasants, Estates and Villages

The central concern of this study is the negotiation of power between lords and peasants after the Black Death in County Durham. This is not a study of any particular incident or flash point, although those are included, but an attempt to assay the culture and dynamics of these negotiations in both villages and estates. While speaking of “power” and “lords and peasants” likely evokes thoughts of “class” conflict, the situations rarely were so clear cut; therefore, my focus here is on the nuanced ways in which both conflict and compromise were used in these negotiations. The emphasis on choice and the variety of action and response (agency) necessitates that all individuals and groups have a prominent role in the explanation.¹ Both lords and peasants faced choices, and usually not an “either-or” proposition. Revenues were falling after the pestilence; does the lord press his peasants harder, work his demesne more intensely, or look for other forms of revenue? If the choice is to press the peasants harder, each peasant has a choice: run away, fight back openly, fight back indirectly, or collaborate in hopes of making the situation better? And, of course, the peasants’ individual choices provided feedback to the lord, who had to continue making decisions: continue the oppression, alter it, ease it, end it? The often underrated role of the peasant was crucial in this tug of war, as his or her responses in turn shaped the options not just of the lord but of other peasants as well. Rather than straight paths, the result is a multiplicity of zig-zags, and thus the agency of the individuals must take center stage.

The chosen case studies come from the medieval palatinate of Durham. Although the bishops’ quasi-regal powers resulted in a number of institutional and societal peculiarities within the county, the issues here apply to all of late medieval England, and so it is necessary to examine the broad historical debate over lords and peasants, manors and vill. The historical tradition for rural society in England is a rich one. Studies of estates such as those

by Miller, Finberg, B. Harvey, P. Harvey, and Hatcher, have illuminated the running and functioning of different estates and the changes in those estates over time. Although these historians did not ignore the peasant community, others have focused to a greater extent on the peasant landscape. Using the records for Ramsey Abbey alone, Raftis, E. DeWindt, A. DeWindt, Britton, Olson, J. Bennett, and others have examined diverse topics about peasant life and economy, such as migration patterns, office holding, the role of the community, and the role of women. McIntosh looked at both estate and community over four centuries in the royal manor of Havering (1986; 1991). Razi utilized the records of Halesowen, known for its conflicts, to examine demographic trends (1980a), while Poos studied Essex using tithing records (1991). There is not enough space here to discuss in any depth these works; a proper summary of the contributions of Raftis or Hilton alone might take an entire chapter. These works have been summarized, analyzed, and compared repeatedly. Suffice it to say here, these studies provide an excellent foundation for more specialized work. Even if the particulars are disputed, historians have accepted these descriptions of the mechanics of estate management, the basic politics of village society, the divisions of that society along class and socio-economic lines, and the general economic and demographic trends.²

Consequently, the past two decades in particular have seen strides not just in refining our understanding of the broad changes in economy and society, but in exploring the minutiae of daily life as well. Scholars of both medieval and early modern England have been researching similar themes, and bolstered by significant recent work on the fifteenth century, the two historiographies are converging, with fruitful results. Not that long ago, it was common to refer to the post-plague and pre-Tudor period as “transitional,” which term, according to Poos, “historians commonly employ to indicate that they understand what had gone before and what came after much better than what was going on in between” (1991, 1). In contrast, the scale and scope of work on the fourteenth and fifteenth centuries enabled Dyer in his Ford Lectures to add a question mark, presenting readers with *An Age of Transition?* (2005). Poos’s work on Essex is an important study not just of demographic trends, but of broader changes after the Black Death (1991); in addition, the collection of manorial records on family and inheritance that he edited with Bonfield has provided fresh information on important aspects of rural society across England. Agrarian change has received substantial attention. In terms of land use, Bailey has renewed study of “marginal” areas (1989), while Harris, Dunsford and Roberts have examined the expansion and contraction of cultivation.³ Stone and Campbell have investigated productivity, Whittle’s study of agrarian change in Norfolk has advanced under-

standing of the important changes to capitalistic farming, and Langdon has produced a highly valuable study on mills and milling that goes beyond the basic economics and mechanics to embrace the culture of milling in England; all these and more are expanding and supplementing the pioneering *Agrarian History of England and Wales*. McIntosh (1998) and Hanawalt (1998a; 1998b) have explored ideas of social control in late medieval England in light of the debates about Protestantism and social change in the early modern period. A host of scholars has examined topics of everyday life, for townsmen and peasants. Consequently, one of the great challenges now in synthesizing events and trends of the "transitional period" is coping with the volume and variety of work. Dyer handled this masterfully in his *Ford Lectures*, in which he examines the long fifteenth century and emphasizes not just any changes but the similarities with what came before and after. As can be seen in that work, or in Britnell's *Britain and Ireland 1050–1500: Economy and Society*, research continues to flourish. Hyams (1996), Beckerman (1992; 1995), and Bonfield (1989; 1996) have tackled tough questions about the functions and uses of local courts, and their place not only in the history of law, but also in the relations between lords and peasants. Although the study of women in medieval England dates back at least to Eileen Power in the early twentieth century, the feminist movement has spurred on work. Scammell and Searle have debated the medieval fine levied when a woman married (merchet), providing alternate origins and meanings of the fine. J. Bennett's work on women in the countryside, begun with her study of Brigstock, led to her production of a biography of a fourteenth-century peasant woman from Brigstock, Cecilia Penifader (1987; 1998). Many of Hanawalt's articles and essays focus on the roles of women in society, for good or ill (1998a). Bardsley has studied women as scolds and women as wage-earners, demonstrating the power of culture to depress women's wages even in a time of acute labor shortage (1999a; 1999b). The range of topics on everyday life is astounding. Besides Dyer's studies on *Standards of Living in the Later Middle Ages* and *Making a Living in the Middle Ages*, collections on everyday life have been published, with topics such as workers' diet, peasant buildings, capitalism, social control, fashion and dress, and hospital nurses, among many others (Horrox 1994a; Britnell 1998; Hanawalt 1998a).⁴ All of this is in addition to continued work on the broader trends of English and British economy and society.

Despite all of this, much more remains undone. First of all, the variations within England and English society leave ample room to explore differences in lived experience, isolating local variation from more universal experiences. Furthermore, every new study raises as many questions as it

answers. New methodologies, influenced by feminism, anthropology, and literary studies, for example, or simply adopted from other historical periods, bring fresh approaches as well as call older ideas and interpretations into question.⁵ All of this is particularly true regarding the social dynamics within English estates and villages. Investigation into the manor, the manorial economy, and the social relationships of lords and peasants has been ongoing for more than a century. Durham, with its two large estates and the broad array of records, provides an excellent opportunity to build off this work by taking a closer look at a county while studying a time of upheaval and change in which lords and peasants maneuvered to find the best possible situation.

The historiography is becoming so complex as to result in entire works and collections dedicated to specific topics. Thus, only the most relevant topics are covered here, and unfortunately, even then I must give many works short shrift. Fortunately, Miller and Hatcher, Hatcher and Bailey, and most recently Schofield (2003), Britnell (2004a), and Dyer (2005) have summarized and analyzed the general discussion.

THE VILLAGE COMMUNITY AND THE QUEST FOR RIGHT ORDER

Although many of the approaches and questions herein have their roots in medieval history, one of the more pertinent—and hard to approach—is perhaps associated more with early modern scholarship: the idea of village community, and the conflict for control of that community. Similar to the term “feudalism,” scholars have criticized the use of the term “community” as it implies a unity that may not have existed (C. Carpenter 1994). Communities did exist in medieval and early modern England, although they were rife with faction and dissent. Raftis points out how a strong village community could coexist within the manorial system (1989, 6–8), and many of Dyer’s studies have argued for the independence and existence of the village community despite internal conflicts and dissension. Kümin provides an excellent definition and defense of community in this sense, relating in particular to the parish community (2). Even though the village community existed, in itself it has not been studied sufficiently. In “The English Medieval Village Community and Its Decline,” Dyer wrote: “[t]he village community has a shadowy existence in historical writing about the English Middle Ages . . . scholars have been reluctant to assign to the village any central place in their account of medieval society” (1994, 407). Many such studies focus on the estate or manor, or on individuals and families within the community, rather than the village community itself. An exception is Olson’s study of

Upwood and Ellington, in which she examines the changes to village structures and institutions over a long period, in particular the ways in which villagers reshaped or recreated those institutions as well as “tradition” to suit the changing times. In general, however, the village community usually appears as more of a setting than as an active site that can be shaped and contested. For example, Britton noted that families could move up and down in the village hierarchy, that peasants came and went, and that there was conflict; but what were the choices involved, and how and why did the peasants select an option? When peasants banded together, whether against their lord or against the entire system, what were the internal dynamics of that solidarity—how much was membership voluntarily, how much coerced, and how did it all come together? The direction of the community and the actions of other members were very important to medieval peasants, as can be attested by the many social and socio-political crimes recorded in medieval courts. Medieval people possessed firm ideas of “right order” and took active steps to maintain their own version of that order. Although medievalists largely have ignored this debate until very recently, early modern historians have studied the concern over order extensively, debating the extent that England faced a “crisis of order” resulting from the many social, political, economic, and, especially, religious upheavals.⁶ The central debate is whether the changes represented only an intensification of existing trends in social control, or a dramatic shift in outlook tied closely with “puritanism.”⁷ Medievalists have pointed out, rightly, that these issues are not new. However, there clearly were discontinuities, as many English villages and parishes underwent multiple changes that resulted in something new and different.

Did a similar shift occur in Durham in the decades after the Black Death? It was also a time of upheaval, and with changes in lord-peasant relations, agriculture, population, and economy, there certainly was potential for a crisis of order in the villages.⁸ Fourteenth- and fifteenth-century England witnessed an intersection of many factors, which resulted in widespread changes in the local order that presaged the later conflict of orders (McIntosh 1998; Bailey 1994). Dyer has sketched the history of the village community and briefly listed the challenges it faced in the thirteenth and fourteenth centuries. He concluded that increasing stress on the community helped to bring it together, and that it was strengthened by adversity (1994, 429). However, this was not always so; while in this analysis Dyer focused on how the peasants struggled against the adverse effects of demographic and economic change, other results were possible due to the complex and personal conflicts and to the changing ideas of community within the community itself. In their landmark study on the village of Terling, Wrightson

and Levine argued that the personal interpretation or application of religion was a critical element in the crisis of order in early modern England. In fourteenth-century Durham, the role of religion was inconsequential in this crisis; lord-peasant relations were far more important. That struggle for control in late medieval villages needs to be investigated and foregrounded in the overall social and political dynamics of the post-plague era. While permitted behavior took center stage in early modern villages, in post-plague England the control of the village itself was at stake. The changes in that sphere set the stage for the later conflict over social control in early modern England. In Durham, some of these changes happened early after the Black Death. As Dyer has pointed out, we should not see the period as one of straightforward change (2005, 244–245), and naturally different villages, estates, and regions changed at different times; thus, while the chronology of certain events may be somewhat different in Durham, similar changes happened throughout England.

LORDS AND PEASANTS, ESTATES AND COMMUNITIES

The analysis of what happened in the village communities of England is critical because of the village's influence on the relationship between lords and peasants, and because of its relation to the estate. The status of the village community, its divisions and fissures or its solidarity, affected the relationship of peasants to lord; a strong community willing to work together could resist the imposition of the lord, while a community torn by infighting could be easy prey to a lord using "divide and conquer" tactics. Conversely, the attitude of the lord or his officials could have a profound effect on the community. Although Olson and Britton found that the tenants of Ramsey Abbey villages often had the upper hand in negotiations with their lord, those peasants may have had a far different time if they had lived under the abbots of Halesowen; or, perhaps not, as seigniorial actions in part depended on local conditions and local customs. Peasants and lords had to deal with each other constantly in a myriad of ways and this was influenced by personalities and conditions, so an understanding of the manorial setting in which those communities existed is absolutely crucial.

The early study of rural society and economy focused not on the peasants but on the manor, establishing the basic features and chronology of the rural, manorial economy and its legal underpinnings.⁹ Studies of the manor gave way to studies of manorialism, a term that many scholars prefer to feudalism when dealing with the entire social, cultural, political, and economic complex that accompanied the manor. Seebohm, Vinogradoff, and Maitland

were the leaders of the group that used manor court records not only for legal but for social and economic history as well, and their work has dominated the field ever since. Elaborated upon and clarified, much of Maitland's work on the institution of the manor has not been superseded. Vinogradoff's *Villainage in England* established the basic shape and chronology of rural socio-economic history. He based his definitions of villeinage on the connections of the serf to the manor and his provision of services there, a definition enshrined in law by the Angevin jurists. The key element was the customary labor owed to the lord of the manor, which set the villein apart from the free tenant, and thus serfdom ended when the lords ceased to compel labor.¹⁰

Changes in contemporary society and the introduction of new ideologies and methodologies altered the trajectory of manorial studies and thrust the peasantry into the historical spotlight. The everyday life of a peasant—family, life cycle, economic activities, standards of living, gender relations, and more—became important, especially after World War II, as peasant wars and peasant politics became First World concerns. Work continued on the institutions of estate and manor, but these looked at the manorial experience in its totality, and along with previous studies served as a broad foundation for work across the spectrum of the rural experience. As noted above, continuing research has expanded and deepened our knowledge of rural life. With the focus on peasants—their lives, their economies, their politics—it became necessary to focus on the definition of the peasant and peasant society. In peasant case studies, it usually is easy to define the “lord.” The definition of the peasantry is a difficult topic, especially given the diversity of peasantries globally and chronologically (Wolf 1966). Most simply, “peasant” is an intermediate category between “primitive” agriculturists and modern (or industrial or capitalistic) farmers; the peasant must be separated from tribal or primitive agriculturists as well as from the sharecropper, plantation worker, wage-laborer, and industrial or capitalistic farmer. Drawing a line between each group can be difficult, depending on factors such as market involvement, relations to production, scale and purpose of production, and society and culture. Wolf, T. Scott, Shanin, Hilton, and others have acknowledged these difficulties in defining “peasant.” Shanin in particular has concerned himself with the uses and abuses of the concept of the peasant, as seen in the collection of nineteen of his essays and articles in *Defining Peasants*. Wolf cautioned that “definitions are tools of thought, not eternal verities” (2001, 195). A general definition of “peasant” has to be broad, and then refined for specific historical contexts. For example, one definition that Wolf put forward for his work in Latin America was that peasants were agricultural producers (not including fishermen or rubber

farmers) with “effective control of the land” and who “aim at subsistence, not reinvestment” (2001, 195–196). Although these are the three points of his definition, he goes on to specify that peasant society was part of a larger culture (that is, peasants cultures were not sealed or isolated), but also that peasants “function primarily within a local setting” (197).

T. Scott and Langton discuss the variety of premodern European peasantries and address the difficulty of defining and identifying peasants and the different approaches used. Defining “peasant” in late medieval England and the relation to other peasantries has its own challenges (Hilton 1990, 41–48). Many of these challenging factors are economic, from the type of labor (family or hired) to the means of production (tenurial structure) to the scale of production (subsistence or market) and market dependence. Hilton defined the medieval peasantry as 1) possessing their means of production; 2) relying primarily on family labor; 3) being part of a larger unit (village or hamlets) with communal or collective rights; 4) including a variety of workers who came from the peasantry proper; and 5) supporting “super-imposed classes and institutions such as landlords, church, state, towns” through surplus production (1975, 12). More recently Whittle put forward another, similar definition, intended for the fifteenth century as agrarian capitalism was beginning; for her, late medieval English peasants were 1) small scale producers, using primarily family labor, for subsistence; 2) part of a “state,” paying taxes and rents; 3) subordinate, legally and politically; and 4) integrated into markets but not market dependent. In addition, towns were an integral part of peasant life (11–12). The economic focus of these definitions, however, renders them insufficient for a study of rural society, politics, and culture.

Attempting to pin down the social and cultural elements—to define “peasant society” rather than “peasant”—is not a straightforward task. The role of the community presents particular difficulties. Macfarlane asserted that there were no peasants in late medieval England (131–163) because individualism far outstripped communal ties. However, his definition drew heavily upon his interpretation of more modern East European peasantries, an anachronistic comparison that did not take into account English conditions, and he focused more upon economic individualism rather than other facets of rural life (17–33). Even though the strength of communal bonds is debated, his arguments have been hard to accept. Nevertheless, the debate over community must impinge on any attempt to circumscribe the peasantry. Lastly, one major difficulty is locating the peasant in relation to other classes or orders. Some English peasants were serfs but many were free, so there is no clear legal separation. Socially,

the peasantry was inferior, and their inferior position was reinforced in sumptuary laws and sermons, as well as in concepts such as the “Three Orders.” Yet the difference between a wealthy peasant and a poor gentleman could be very hazy. This a very vexing question; what is to be done about franklins or yeomen—are they peasants, or part of the gentry? In large part, the answer may depend on perspective and timing, both then and now (Coss 1983). Schofield notes that some of the wealthier peasants may have pushed the bounds of this general definition through their involvement in marketing, but they still would have been involved in the community (2003, 6).

Unfortunately, there is no convenient term from late medieval England to circumvent these issues. *Villanus* might work but for the connotations of servility, as would *rusticus*; but villager is too vague and could be inferred as omitting those living in hamlets. “Peasant” is a convenient best fit, and any definition of peasants or their society in late medieval England must necessarily be somewhat flexible and undogmatic, yet still roughly compatible with definitions for other places and spaces; as Löfgren argued, peasantry is a process, not a static structure (188). For this study, I have adopted the following as defining characteristics of late medieval English peasant society:

- i. Peasants were primarily small-scale agricultural producers, who controlled the means of production and who used these means directly to provide for their own subsistence or use.
- ii. Their productive activity generally was based around the household unit of immediate family and servants, supplemented by hired labor at key points in the agricultural calendar.
- iii. Their activities were integrated into the market economy (even if production for market was not the main goal), but not dependent on markets.
- iv. They were members in communities with communal obligations and rights (although the strength of communal ties did vary), even if they made many decisions at the individual or family level.
- v. The peasantry included “[a]ncillary workers, such as agricultural labourers, artisans, building workers [that] are derived from their own ranks” (Hilton 1975, 12).

- vi. They formed part of a wider society and state, although they were perceived as the base of that society and consequently seen as inferior.

The debt of this definition to those of Hilton and Whittle is clear, but Wolf's formulations are another significant influence (2001, 194–214, 252–259). The above criteria amplify the social and cultural aspects of peasant society. The first criterion is meant to distinguish the English peasant from other agricultural workers, whether slaves, sharecroppers, or agrarian capitalists; but it also is meant to evoke the idea that the difference between the peasant and the gentleman was that the latter did not work with his hands, but lived off rents or the labor of others. The second criterion modifies the first in explaining the labor used for production. In this case, I have preferred “household” over “family” for a number of reasons. One is the presence of servants in peasant households; while these servants may have received a cash wage, I do not believe they should be categorized as a different source of labor than the family. The assumption is that they lived and boarded with their master or mistress year-round and shared in all the household tasks, and would have been considered part of the *familia*. The same would not be true of labor hired for plowing or at harvesttime, who would have been paid by the day or for piecework and would not have been considered part of the household. The third criterion, integration into the market economy, modifies the first; its inclusion in the definition reflects the continuing influence of scholarship on the commercialization of England, even at the regional and local level (Britnell 1993; Masschaele; Kowaleski; Biddick). Although production was small-scale and primarily geared towards subsistence, peasants marketed some of their produce; “[i]f there have been peasants who did not produce some goods for exchange and for money, they must have been rather few in number” (Wolf 2001, 257).¹¹ Some selling was necessary to pay for all the rents and dues that they owed to their lord, as well as to purchase basics that could not be made at home. Inclusion of the latter items supplements subsistence goods, expanding coverage to include those things deemed necessary in life or society beyond survival.

The fourth element of the definition, the role of the community, is trickier. The peasant, or peasant household, did much individually. Migration was common. Tenants struggled against each other far more often than against their lord. Some peasants kept themselves separate from everyone else, socially and spatially, and this may have been especially true of those who held by freehold or who were trying to climb out of the peasantry. The controversy over community has been mentioned, but the debate has resulted in a more nuanced view of community that acknowledges how flexible it could

be. Even if the peasants in a village did not work as a group, they worked side-by-side; they played together and worshipped together, and they could find strong solidarity against threats. Peasants migrated, but they did so from community to community, and the attempt by some peasants to separate themselves from the community is an indication of just how important the community was to being a peasant.

Criterion five, which I have adopted from Hilton's definition, sets late medieval England apart from many other peasant societies. This element is necessary in the definition to catch all of the blacksmiths, carpenters, and other artisans, as well as the laborers, who would not necessarily be defined as a peasant because much of their work was for "market" or was not agricultural, or because they sold their labor rather than falling under criterion one. The category could also include manorial *famuli*, clerks, and others who lived in the villages or remained part of that society. Although primarily devoted to other occupations, these men often had some land that they worked with their own household, and so would have been directly involved in the agricultural and economic life of the village as well as being participants in the village community.

The final criterion is simultaneously straightforward and complex. Peasants were not isolated; they traveled and migrated, and were conscious of and participated in the wider economic, legal, and political world. None would dispute, however, that the peasants were on the bottom of that world along with the laborers and poor artisans in the towns and cities; the peasants were part of "those who worked," the bottom order who supported the rest of society. Being on the bottom was constantly emphasized. Although only serfs faced legal subordination, being a peasant was not necessarily more empowering. Even free peasants could be restricted because of their tenure, as was the case with the customary tenants in Durham. Lack of economic or educational opportunities left few options other than following a rural occupation. Peasants had little say in politics, although they knew what was at stake. Nevertheless, although this is true of peasant society, it was not true for all peasants. Some did climb into the gentry or sent their sons into the Church; the increased social mobility and purchasing power of peasants after the Black Death led to sumptuary laws to distinguish rank in society, new social and occupational identifiers (laborer, husbandman, franklin, armiger, and so forth), and continued concern over peasants rising above their station.

All together, it is easy to identify the peasantry, but not so easy to identify individual peasants. Rather than a weakness, this is a strength, as the broad demarcation catches those who were part of peasant society and leaves room for variations. The combination of economic and socio-cultural elements

acknowledges the interplay of individual and community and the inherent flexibility of the peasantry in late medieval England to adapt to changing circumstances and relationships with their lords and with the “state.” It also emphasizes the difficulty in drawing lines between peasant and gentleman on any basis. Nevertheless, this definition clearly delineates the late medieval English peasant society and economy from other agrarian systems, whether tribal, plantation, or capitalist, as well as pointing out the differences from other peasant societies.

MANORIALISM

Manorialism as a concept also requires consideration. It was a total system, driven as much by cultural and social beliefs as by economics. Take for instance manorial courts, the major instrument of the lord for enforcing his will and ensuring proper surplus extraction. The peasants too had a stake in these courts for settlement of their own disputes, and even used them as a forum for bringing complaints to the lord. Manor courts were a source of profit, perhaps five percent of the income of the bishopric of Worcester (Dyer 1980, 174–175). Courts of small estates, or single manors, brought in small sums, a pound or so per annum (Bailey 2002, 177). However, after the fourteenth century, it is questionable whether the Durham halmotes were truly profitable (in an economic sense). After 1400, when entry fines had all but disappeared on the Priory main estate, the Priory halmote courts rarely brought in more than £5 per annum (Bur. acs. 1300/01–1536/37). Against that, in 1386/87 the bursar repaid the farmer of the manor of Beaulieu 25s. 4d. “for expenses in the tourn of the halmote, viz. for eleven quarters three bushels oats,” hay, coal, and other items (Bur. acs.). If every stop on the tourn cost that much, the expenses for a year of courts would run to £20 or more. Sometimes, the bursar was unable to cover the expenses, and in 1412/13 the terrar granted cash to the bursar to cover some halmote expenses (Bur. acs.). The cost of the tourns could be recouped through much of the fourteenth century; in 1357, the Priory halmotes brought in £52 (Bur. acs. 1357/58) and in 1358, the bishopric halmotes grossed over £258 (PRO DURH 3/12, ff 175r–206v). In the fifteenth century, the lack of entry fines meant that the courts must have been held at a loss, and yet the Priory and bishopric continued to hold them. The courts were worth more than the money they brought in through fines and amercements. Although the function of the halmotes as conspicuous consumption (lords hold courts) is important, the Durham halmotes also were an obligation, the need to provide right and justice to the tenantry.¹² Medieval society operated within a system of rights

and responsibilities between superior and inferior. The belief that a lord owed his peasants justice and protection was not an empty justification of oppression; peasants objected loudly and even violently when the lord did not meet their expectations or exceeded “custom,” and this often was the cause of subsequent conflict. In discussing rent strikes and other peasant resistance in the fifteenth century, Bailey notes that many peasants did pay fines, rents, and feudal incidents, but “demands which were deemed excessive or arbitrary were increasingly disputed or rejected” (1994, 156). Although he concludes that “a concept of what constituted fair payment, or a just exaction, had become widely established” (156), it might be better to say that the concept had been adjusted in favor of the peasantry. Unjust exactions and demands had long caused peasant unrest, and attempts at freedom often came in the guise of claiming the privilege of ancient demesne status (Franklin; Razi 1983; Hilton 1969, 26–31; Faith 1984). Even broad concepts of society such as the Three Orders (those who fight, those who pray, and those who work) were not utopian visions or thin justifications of economic exploitation. Instead, these mutually accepted social systems limited and channeled the actions of lords and peasants alike, *within* the system; Hilton noted that even in revolt, peasants “found it impossible to break away from the traditional tripartite image of society” (1990, 45).¹³ This is not so different from the modern world, and just because we accept and use the system does not mean that we do not complain about it, try to subvert it to our own purposes, or dream of a newer system. The same was true of the medieval peasant.

MODELS OF SOCIO-POLITICAL RELATIONS IN THE LATE MEDIEVAL COUNTRYSIDE

The study of lord-peasant relations has produced two broad models of interaction, conflict and consensus. Some studies naturally hew closer to one more than the other, such as Hilton’s works on peasant movements and the decline of serfdom; the subject matter dictates an emphasis on conflict. Conversely, studies on economic development sometimes favor a consensus model, with a detached lord leaving his peasants alone to make economic and agrarian advances and reaping the profits (Raftis 1996). Most historians use both models, and the continued research into socio-political relations has resulted in a plethora of sub-models, further increasing the range of tools available to the historian. Some apply better to lord-peasant relations, some to inter-peasant relations, and some work equally well for both. As the theme of this study is the ways in which lords and peasants used conflict and compromise and the reasons for their choices, an overview of the models, their variants,

and their use by historians will prepare the way for a study of the complex dynamics in Durham after the Black Death.

A. THE CONFLICT MODEL

Any review of medieval history will unearth episode after episode of conflict, from wars and rebellions to disputes over wages to gender and religious inequality. Conflict could take many forms, and so do modern analyses. Although these analyses can take many forms and approaches, the one most commonly associated with late medieval history is the Marxist analysis of class conflict between lords and peasants. The shift of historical inquiry to society and social relations fitted well to the Marxist and Marxist-influenced approaches, which stressed lord-peasant relations and declared that the “class” conflict inherent in the seigniorial system was the prime mover of social and economic change. Although they had been in use for some time, Hilton took these ideas about conflict and production and converted them for use in medieval English history, and thence took them into the mainstream. What set him apart was his ability to pose challenging questions to a diverse, often terse corpus of source material that ranged far beyond the standard manorial documents and to answer those questions in an engaging, easily accessible style. His drive and imagination meshed with a broad conception of historical analyses to approach his topics from multiple directions and to engage with multiple historiographical traditions. Moreover, Hilton constantly strove to initiate dialogue with those holding different views, an inclusive attitude that led to the dispersal of his ideas and methods even among those who did not always agree with him.

Among Hilton’s major contributions were the definition of the medieval English peasant and peasant mentality, and a new theory regarding the cause of the decline of serfdom (1974; 1990, 41–48). Hilton’s definition of the peasantry was crucial. Besides grounding his own interpretation of class conflict within traditional Marxist historiography, disentangling the peasant from the serf based on economic function enabled Hilton to focus on what he believed were the keys to English serfdom and the manorial system. Previously, historians had linked serfdom’s decline to labor services; after all, the cornerstone of the manorial system was the extraction of labor from the peasants in the interest of the lord. If lords no longer needed the labor (because the demesnes had been leased out, or they could find cheaper hired labor), or if the peasants were no longer willing to provide it, the rest of serfdom would disappear as well. Hilton noted that although in the North and West of England labor services had never been a significant element

of serfdom, serfdom continued there even as free tenants were required to perform labor services at peak times of the agricultural year. Armed with these exceptional data, Hilton concluded that labor services were not the key element of English serfdom, and that the struggle of serfs for freedom was not a struggle to commute their burdensome labor services. The true burdens were not tenurial, but were the many and varied personal dues the lord could extract: fines for marriage and fornication, restrictions on going to school, and so forth (24).¹⁴ The serfs were not agitating against those dues arising from tenure, but against those dues that expressed the lord's authority over their bodies. Although each was small in comparison to working several days a week on the lord's demesne, they did add up, and were visible and humiliating signs of a lack of freedom. Most importantly, however, the lord's control limited the independence of a peasant to adjust to changes in circumstance. The goal of many a medieval serf was not to reduce his labor services, but to acquire the advantages (or more correctly, the freedom from disadvantages) that free status conveyed (30–31). This observation by Hilton further shifted the debate to questions of society and culture.

After examining the social and cultural aspects of serfdom, Hilton declared that the mere existence of these burdens so characteristic of the extra-economic powers of the feudal lords did not lead to the withering of serfdom. Instead, the impetus to end serfdom derived from the coexistence of serfs side by side with considerable numbers of free peasants.¹⁵ Serfs did not seek to end the institution of serfdom, but instead to prove that they were free men; that is, the push came not from a widely-shared desire to change the relations of production, but rather by individuals and groups to shift themselves to another socio-cultural grouping (1969, 24–26).¹⁶ The source of change was the “increased self-assertiveness of the peasants themselves,” seen in the willingness to migrate from the home village, to challenge lords in courts of law, and even to riot and rebel (1969, 35). Likewise, changes in exactions depended on the lords' belief in the necessity of serfdom to their own position both socially and economically. Although the transition to leasehold and copyhold reduced the tenurial differences between free and serf, serfdom persisted because of social conservatism on the part of the lords—the same social conservatism that made serfs seek freedom instead of the abolition of serfdom (1969, 50–51).¹⁷ Even though serfdom all but ended, the subservience of the peasants (and later the proletariat) continued.

Although Hilton is perhaps the most famous scholar of lord-peasant struggles, he is not the only one, and others have approached the study of conflict using different interpretative frameworks. One of the prime examples of such conflict is between the Abbey of Halesowen and its tenants in

the thirteenth and fourteenth centuries (Razi 1983). The abbots attempted to squeeze the peasants harder and harder, through tallages and increased work services but also through high fines and dues exacted in the manor court. After the tenants failed to get legal redress from the king, they resorted to violence, assaulting the abbot in 1278, only a few years after the abbot had received permission to fortify parts of the abbey (160–161). The abbot responded with violence that led to the deaths of two peasants, while another armed foray resulted in the seizure of chattels and the imprisonment of other peasants (162–163). Although the troubles subsided, there were further disturbances after the Black Death, as the abbot raised fines and dues once more and the peasants retaliated with resistance and then with rebellion (164–166). Halesowen stands out in medieval English history as an indisputable example of conflict between lords and peasants. The royal manor of Havering provides another, and very different, example of conflict. In general, the history of this manor falls more under the consensual model (see below), but there were times when the queens of England, when the manor formed part of their endowment, tried to pressure the tenants. In the 1280s, Queen Eleanor imprisoned the jurors of the vill until they revealed who had been chasing rabbits in her warren; after the Black Death, Queen Phillipa employed judicial inquiries to investigate infractions and to increase falling revenues (McIntosh 1986, 57–63). At least one individual connected with Havering was involved in the 1381 rebellion, although the full extent of participation is unclear (83–84). Although McIntosh concludes that these incidents generally did not impinge on the tradition of autonomy within the community, they do provide another illustration of conflict between lords and peasants.

Scholars of conflict naturally have focused on flash points such as these, but there is no greater instance of lord-peasant conflict than the 1381 Rising. Hilton himself devoted an entire book, *Bond Men Made Free*, to placing that episode in the wider European context of peasant revolt. Along with Aston, Hilton edited and published *The English Rising of 1381*, the proceedings of a conference marking the five hundredth anniversary of the Rising. In examining the immediate background of the revolt, Faith concluded that peasant discontent and ideology was very conservative and not completely bound up in revolutionary ideas; and that this discontent had been brewing for several years and was quite organized (1984). Dyer discussed the progress of a project to identify the participants in the revolt; the project already had found that many of the rebels were not peasants, while many of the peasant rebels came from the elite families, not from the poor or the villeins (1984). Scholars have contributed analyses of the Rising or of events leading up to it, from Fryde's many studies to Franklin's analysis of a pre-1381 peasant movement.

Nevertheless, peasant rebellions, even movements, were rare, “flashes in the pan” that frequently resulted in worse conditions for the rebels (J. Scott 1985, 28–29).¹⁸ In part, this was because peasants have a high “flash point” that “requires unusual exacerbation of the asymmetrical conditions under which they lead their lives” (Wolf 2001, 232). Although revolts were significant, historiographically the search for lord-peasant conflict shifted from revolts to emphasize what J. Scott called the “weapons of the weak:”

everyday forms of peasant resistance—the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them . . . the ordinary weapons of relatively powerless groups: foot-dragging, dissimulation, desertion, false compliance. (1985, 29).

Small actions such as these had consequences that were far more lasting and significant than the occasional striking instance of revolt or rebellion. These actions could coalesce into a movement, as more and more peasants participated. This was not always the case, and activities such as “footdragging,” nonperformance of labor duties, or rent strikes, all of which have been pointed out in medieval England, are something of a gray area. Whether these were conscious political gestures, calculated risks for extra income, or attempts at making life easier depends heavily on motivation and interpretation (Schofield 2003, 161). Resistance implies conscious rejection of an unyielding system (or parts of the system), whereas labeling acts as economic opportunism indicates acceptance of the system but with attempts to make life a little easier for the individual, and does not rule out *de facto* negotiation and compromise. For example, Hilton interpreted failure to perform labor services as resistance to oppression, whereas Britton explained these away as informal commutations of services (Hilton 1949; Britton 170). The focus on resistance also provides an intersection with studies of peasants (and slaves) in other places and times, the “peasant studies” driven in part by attempt to understand the struggles of colonial and postcolonial powers in Asia, and, more distantly, of slavery in the New World.¹⁹ Resistance is an excellent example of the need to consider agency on the part of both lords and peasants, to understand not only what they did and why, but how this was interpreted and how lords and peasants reacted to it.

While the focus on conflict usually highlights tensions between lords and peasants, there were other points of friction, requiring other theoretical approaches to understanding conflict. One of these is “liberal stratification theory,” which is usually associated with the consensus model below

(Rigby 8), but which can also be used to explain conflict. According to this theory, conflict is approached not through analysis of production and class, but through other ways in which societies are made unequal: political power, education, wealth, and status (Britton 115–123). Stratification theory shifts the emphasis to the social and cultural, so that inequality (and thus conflict) arises from perception rather than from “real” inequalities in the economic structure (Rigby 6–9). Of course, these perceived differences are arguably rooted in economic realities and thus still part of the class struggle, but in general, users of stratification theory emphasize the gradations of status and differences *within* the broader classes of the Marxist analysis. For example, through his analysis of “A,” “B,” and “C” families in Broughton, Britton found conflict between these peasant strata, and that the tendencies for pledging might even indicate a form of “class consciousness” among the “A” families (105). Marxist historians have been aware of such stratification; Hilton himself penned an essay on the “Reasons for Inequality Among Medieval Peasants” (1990). However, the differentiation between peasants is more often found in studies arguing for reasonably good relations between lords and peasants.

There is also closure theory, which Rigby sets up as an alternative to both Marxism and liberal stratification theory. Closure theory, articulated by Parkin but reaching back to Weber, describes how different groups in society close ranks either to defend or to achieve access to resources (Rigby 9). There are two forms of closure: exclusionary closure, whereby one group secures its rights by enforcing subordination of others, and usurpatory closure, through which lower groups attempt to gain a greater slice of the pie; both types of closure may be in play at the same time (9–11). Rigby applies this theory to late medieval English society, examining the ways in which various groups, from the aristocracy and clergy to women and Jews, sought to protect themselves in this competition. Although the theory is more descriptive than explanatory, Rigby argues that the theory is superior to both Marxist approaches and stratification theory, as it combines the best of both to overcome the weaknesses of both (11–14). Closure theory needs to be tested further, but already it has shown its power in bridging ideologies, placing class conflict upon the same plane as religious or gender differentiation. Although not explicitly drawing upon closure theory, several studies, particularly on women or on social conflict, can be used to illustrate its usefulness. J. Bennett’s study of women in the brewing industry shows ways in which the theory is applicable (1996). Prior to the Black Death, brewing was a woman’s occupation, a limited but relatively rewarding opportunity. After the plague, however, women lost their position in the

brewing industry, partly because of changes in the industry; another factor was the refusal of guilds to admit women, an example of exclusionary closure. In the introduction to *Of Good and Ill Repute*, Hanawalt discusses "the whole process of establishing boundaries and barriers, of making such walls permeable or penetrable" (xiii), and the essays in this volume provide numerous examples of the creation, easing, or repair of social boundaries.

The study of conflict has provided a rich harvest for historians of late medieval England, and historians of all stripes have relied on models (consciously or not) in studies not just of conflict or lord-peasant relations, but on other topics. Conflict and friction were so common that it is unnecessary to review these in full; but consider the need for such interpretative frameworks in the analysis of crime (Hanawalt 1979), wage rates, treatment of the poor, even migration patterns. Conflict was normal, conflict could be frequent, and so it must enter into the analysis of almost every aspect of medieval history. However, conflictual models alone cannot explain all of medieval history.

B. THE CONSENSUS MODEL

On the opposite side of the spectrum is what may be called the "consensus" model, which attempts to explain what the conflict model does not: the reasonably functional, if not always harmonious, relations that existed between outbursts of strife. Although perhaps more common than conflict, evidence of cooperation can be harder to find and interpret, as many records, especially court records, tend to report the failure of consensus rather than its success, and this has limited the approaches available. Nevertheless, an understanding of what relations operated in times of cooperation is necessary to understand not only everyday life, but conflict as well.

In rural England, the functioning of the manorial system required cooperation for both lords and peasants to survive. Such cooperation was ensured by a host of institutions and concepts. "Custom," the oh-so-nebulous and often fictitious vehicle of legitimacy, did much to constrain both lords and peasants in their actions. Custom could be bent and reinterpreted, but to make demands that clearly contradicted it had grave implications and often served as harbinger for serious conflict. Custom, which delineated the roles and obligations of everyone involved in the system, was possessed of great strength in regulating affairs and preventing conflict, based on the need to live up to accepted normative models of behavior. If nothing else, conflict was dangerous and unpredictable; it often was far better to make concessions and achieve partial victory than to risk it all in an uncertain enterprise.

The use of the consensus model often is associated with Hilton's contemporary, Raftis. He and his "Toronto School" took a different approach to studying the changes in the medieval countryside, focusing on peasant life and the relationships between peasants: tenures, social networks, migration, and political control within the village. Although the lord is not totally removed and conflict among the peasants is acknowledged, by and large their characterizations of peasant communities have emphasized smooth relations largely free of seigniorial interference. Many of their analyses relied heavily on actions documented in the manorial courts, primarily landholding and service in village offices. The key to this approach was the close reconstruction of all the families of entire villages, tracing all activity in the local courts. Such reconstructions are highly labor intensive and not widely applicable, but have successfully illuminated the peasant household and patterns of migrations. They also have laid the groundwork for studies that have branched out to treat other aspects of life.

As with the conflict model, the consensus model was not limited to one interpretation, but has found its way in different forms into many studies. The model illustrates how the inequalities between peasants were offset by ties such as credit and pledging, and the patronage that wealthier or more powerful peasants offered in exchange for service from those less well off, and how these ties helped overcome or offset rivalries. The focus on mutual support comes through in examinations of family life, in particular how peasants looked out for siblings and cousins or cared for elderly family members. Intentionally or not, the consensus model also forms the basis for many discussions of "community," as the concept of community relies upon a general concept of cooperation and shared interests. The whole premise of social control revolves around the need to have such mutual interests, through coercion if necessary, and McIntosh's study is a prime example demonstrating how coercion could be used to create harmony (or apparent harmony) (1998). On the other hand, the treatment of paupers in St. Ives provides an example of neighborly and seigniorial charity, where fines in court were excused to protect men and women from crossing the threshold into true poverty (Moore). Another arena in which the concern for harmony manifested was the manorial court. While a seigniorial institution, peasants used these courts to settle their own disputes. Medieval peasants possessed ideas of litigiousness and adversarial judicial processes similar to those today, and also as with modern legal culture, they could look to the courts for arbitration. Bonfield has argued that manorial courts used something akin to modern arbitration and dispute resolution, the goal of which was to achieve a settlement that satisfied all parties

(1989). After all, the peasants on the jury had to live with both plaintiffs and defendants, and so it was in everyone's interest to find a resolution that would end the problem; the flexibility of custom played a large role in this. Far from being utopian, cooperation was a necessary and critical element in rural society.

Even though the consensus model implies harmony, it still could enshrine exploitation, inequality, and, thus, potential conflict. Although focusing mostly on the functioning of the village, Britton did explore the friction in the village and its relation to village structures (115–123), and the breakdown of institutions of communal cooperation was one of Olson's significant themes. Raftis's *Peasant Economic Development Within the English Manorial System* demonstrates the coexistence of exploitation and harmony. In this study, Raftis challenges the idea that English lords were merely ignorant rentiers; instead, they cannily perceived their own drawbacks and did not let this hinder their quest for income:

Yes, the lords of Ramsey, or their agents, understood well the economy of their day since they were careful not to employ their authority to thwart the system. They knew that the total village economy was more productive than the demesne economy; they knew that the supply and demand for capital moved on a wider plane than the manor-village ambience; they knew that the market system extended below, above, and beyond manorial control. In consequence, they were sufficiently intelligent to tap into the system whenever and wherever licensing profits could be obtained. (1996, 10).

This is an example of harmonious cooperation between lords and peasants, but it accords well with Marxist and liberal ideas of lords as parasites on the flesh of the peasantry. There is no conflict involved here; the goal of the abbots of Ramsey was to attract capital (and subsequently revenue) by providing the peasantry with a highly flexible "framework of controlled expectations such as would encourage his participation in local markets" (121–122). Although the actions of the abbots of Ramsey were intentional, harmony could also be had through neglect. This was true of the royal manor of Havering. McIntosh observed a tendency of neglect by the administrators of Havering in the administration of the manor that largely granted autonomy to the peasant community. The lords and administrators of the manor were able to come out on top because of conflict, but they did not have the patience or staying power to maintain that control and so supervision remained minimal (1986, 50–85).

Although both models work well, neither can be used exclusively on its own.²⁰ They are sets of tools to be used in the appropriate situations. The consensual model may provide a good picture of everyday medieval life, but it works less well with the exceptional or with what may have been hidden from view (Wrightson 1978). A serious weakness with the consensual model is its inability to explain the events in Halesowen or St. Albans; although the model works well for Ramsey Abbey and only slightly less so for Havering, its applicability to Halesowen is poor. The conflict model is most useful in explaining the exceptional bursts of strife, and the use of resistance as a category makes the model more widely applicable; other approaches, such as those by Rigby, expand the range of conflict analysis even further. However, identifying resistance and even conflict depends heavily on interpretation and perception. Although some historians have a definite preference for one approach over the other, most historians working on late medieval history have adopted one or the other as necessary in a given instance, often combining them to explain different patterns of interaction. For example, in studies of estates and communities, this is what Dyer did for the bishopric of Worcester (1980) and McIntosh did in many instances with Havering (1986). J. Bennett did so in her study of women and brewing (1996) and on a more individual level with the life of Cecilia Penifader (1998). Bailey's discussion of rural life in the fifteenth century emphasized the mix of conflict and "tactical compromise" (1994, 156–158). While individual studies of conflict or of compromise may adhere to one model in preference of the other, historians of late medieval England cannot be relegated to one camp or the other.

The ideal approach is not just to combine both in a single study, but to make the two models the central focus of the study, problematizing both "conflict" and "compromise" as concepts and questioning when each option was chosen, and why. The combined approach is necessary because to focus on specific events in examining conflict tends to turn a dynamic society into a static one, presenting a snapshot of social relations and possibly assuming that to be normal. Alliances and solidarities shifted continuously, depending on personal choices as well as external threats; a group of peasants resisting attempts by the lord to impose heavier rents may, only days or weeks before, have been feuding amongst themselves. A peasant village using exclusionary closure to maintain control of lands and pastures may not long after, in different circumstances, welcome those it previously excluded. Moreover, speaking constantly of conflict implies that the aims, needs, and ideas of lords and peasants were fundamentally and irreconcilably different. In some instances, this was certainly so, but in general, needs and interests coincided: stable income, general peace, and easy betterment of one's position. Medieval lords rarely wished to provoke those they

ruled, as, after a point, it would create resistance and diminish returns drastically. The lords pressed as much as they dared, standing firm on some demands while relenting on others, and the peasants evaded what dues they could without incurring the wrath of their lord. Both sides compromised on less important issues to win the more important battles.

The relative balance between harmony and conflict has been debated, and this no doubt shall continue; but it is true that conflict did occur. Therefore, it is important to understand why it occurred when it did, and what that reveals about social dynamics. Was the conflict in question a failure of institutions or social norms, or was it in reality a function of those same norms and institutions, i.e., a demand for justice or for the upholding of norms and customs? As conflict occurred, sometimes frequently, a related question to ask is, when or in what way was it significant? For example, was the 1381 Rising one of the greatest “flashes in the pan” in late medieval English history, the major factor in the decline of serfdom in England? The answer is no; economic and social change, and the ubiquity of minor acts of resistance, probably did far more to change minds and institutions. However, the Rising remains significant as an indicator of the deterioration of lord-peasant relations in the countryside. This leads into another question: what was the aim of conflict? Rarely did the complete overthrow of the system constitute the aim of conflict; rather, it was to re-adjust the system and to create a new consensus. As with aristocratic revolt (Valente), violence and conflict could be targeted to bring pressure to bear, for instance through rent strikes, footdragging, even theft and arson. The aim of such conflict was not destruction or revolt, but to convince the other side to negotiate or come to terms.

Conflict is not straightforward, but neither is consensus. Almost anything may be construed as agonistic, even the basic give-and-take required to establish cooperation. Solidarity and agreement are fragile, often bound together only by mutual benefit or by a temporary external threat. Cooperation and harmony did not always derive from the confluence of interests. The threat of conflict underlay much apparent cooperation, and as noted above, conflict could be used to create and maintain consensus. In addition, cooperation could mask significant differences. Although lords and peasants used the same symbols, they did not always attach the same values or concepts to them. Different beliefs, different goals, both potentially explosive, nonetheless could coexist at the same time.

C. THE INDIVIDUALISTIC MODEL

To complement the balance between conflict and compromise, one more set of opposites must be brought into play: the individual and the group. It is

all too easy to get lost and focus on trends, and the same is true of groups: “classes,” the poor, the powerful, men, women. The previous models generally assume groups, whether “the peasants,” “the serfs,” the “A” families, or “the community,” and these often have an agency or consciousness of their own. The agency of the individual should not be ignored. Trends do not create themselves; someone must start them. The most extreme view of the individual in late medieval England is Macfarlane’s, who highlighted individual economic initiative. However, most individuals made their decisions in the midst of communities. The strength of solidarities rested upon the willingness of individuals to join the collective, and those who chose not to join could undermine the entire group. Often, important choices came down to individuals, sometimes not just what to do, but how to do it. For example, when faced with an oppressive feudal reaction, does the peasant flee (to where and when? permanently, or just temporarily?), resist (to what degree? alone or with others?), or collaborate (how much? on what terms?)? This did not happen in a vacuum, but in the end, it was up to individuals, and the factors could be complex. If your entire village is boycotting the hal-mote court, do you attend because you have pressing business of your own, to spite other members of your community, or to curry favor of the lord? If you chose to skip work at the mill when everyone else went, was this because of laziness, a desire to work on your own lands, or a political statement? When Gilbert Spurnhare made his decisions, did he do so as a male, or as a village officer in Norton, or just as a regular villager? Sometimes he opposed the bishop’s policies in ways that evoke classic class struggle, while at other times he stood with the lord against his fellows with no conscious contradiction of his being. When bishops Thomas Hatfield (1345–81), John de Fordham (1382–88), or Walter Skirlaw (1388–1406) made decisions, they could do so as shepherds of their flock, as lords, or as palatine bishops in all of their regality. No one acts according to only one facet of his or her being. It is difficult to assign motivations when working from dry administrative and legal records, yet that is what must be done, if the myriad moves and counter-moves are to have any sort of coherent meaning. Accepting the multiplicity of identity is a significant component in understanding what happened and why. While we cannot travel back in time to interview medieval peasants and ask them how they identified themselves, the many facets of individual identities seep through the legal Latin of the court records. Rather than inhibiting historical generalizations, this pluralizes them.

Furthermore, many historical changes were driven neither by conflict nor by compromise, but simply by individual choices—thousands of individuals and families looking to improve their own welfare and sta-

tus, through such strategies as migration, gaining an education, limiting family size or age of marriage, and changing agrarian routines. Many of Raftis's studies are studies of individuals, whether of their migration, office holding, or economic initiatives; the works of E. Dewindt, Britton, and J. Bennett continue this tradition, tracing the trajectories of families and individuals through their marriages, landholding, and other actions in the village. The very transformation of agriculture often is pinned on individuals, in particular the development of the yeoman and then the agricultural capitalist (Raftis 1996; Whittle; Macfarlane; Britnell 2004a). The studies of everyday life touched on above also frequently involve the individual and his or her choices and lifestyle. The most outstanding example of this approach is J. Bennett's biography of Cecilia Penifader (1998). Drawing upon a massive database of information on Brigstock, she successfully reconstructs much of Cecilia's life, from the opportunities she had to the challenges she faced and how she overcame them. This biography demonstrates how the appreciation of individual choice and agency fits in with larger structures and trends.

While both lords and peasants had agency, they were limited by external pressures and cultural constraints; their decisions were not made wholly independently. Generalizations and aggregates represent what many individuals did; men and women do follow trends and are susceptible to peer pressure. Aside from the influence of their neighbors, men and women were guided by "tradition," however they constructed it. Even though we see the resultant changes as a departure from the past, these men and women would not have believed that their actions represented a break with "tradition." Even with a focus on individual actions, the effects and importance of the totality of those actions cannot be omitted. In his discussion of the social anthropological approaches to the peasant, Hamza Alavi pointed out that

[the individual] is inserted into an ongoing structure of society . . . [taking] his place in society with an initially given set of social relationships and allocation of resources, which offer him certain opportunities and impose upon him certain necessities, independently of his actions or his will . . . [H]uman goals include not only opportunities that are offered within the framework of an established social system but also possibilities of transforming given systems. Furthermore, men do not act or think in isolation from other men, nor are their goals formulated entirely by private contemplation. They learn from the conditions and experiences of other men . . . (34).

All actors in the present drama based their choices on their interpretations of what society should be (which is not necessarily the same as what they would have liked society to be—practical idealism, one might say). In doing so, they drew on their own memories as well as the collective consciousness and unconsciousness of the various permutations of their individual identity. The family, the village, the manor, the Church, and other groups served to guide individual interests, opening up or limiting options.

Although rarely disdaining the importance of collective identities, scholars have again and again stressed the importance of the individual in making choices. In her study on peasant marriage in Brigstock, J. Bennett concludes “[t]he image of marriage that emerges from these analyses is strongly individualist. The lives of [the groom and bride] were profoundly affected by their marriage, but its impact upon their siblings, their parents, and their descendants was fairly insubstantial” (1984, 127). While alliances through kin or marriage could be important, this was not always so, and those relationships “could be utilized or ignored at will” (128). The same is true of so much of rural life in late medieval England.

Thus, it is not simply that a historian needs to make use of both the conflictual and the consensual models, but the role of the individual must be examined as well. It is all well and good to discuss theory, but the theory needs to be tested in a specific context, in this instance, the bishopric and Priory estates in Durham. Many historians have used both models, but it is important to do more than this and instead see conflict and compromise not as consequences but as conscious tools or strategies. No single one of these models works on its own for Durham, on either estate. The resultant interpersonal dynamic was not static. Instead, it was constantly fluid as all sides jockeyed for position. Families and individuals rose and fell within the village communities, while lords exerted their influence effortlessly and at other times encountered resistance where they had not done so before. Lords and peasants existed in a functional, constantly shifting equilibrium wherein both sides sought to maximize benefits and minimize losses without violating societal norms.²¹ The relationship structure did not exist along a single lord-tenant axis, but included relationships between lords and lords and tenants and tenants, as well as between lords and tenants from different estates, all operating within a widespread set of normative values regarding the manorial system. Most of the time, an uneasy stability prevailed. Many disputes were solved without excessive conflict, though not necessarily to everyone’s satisfaction. External pressures, such as plague and harvests, added extra stress to the system. While not powerful enough

to disrupt the equilibrium sharply, they did adjust the balance in favor of one group or the other; but overall results were up to the people involved.

Finally, although this is a study of Durham, it also transcends the peculiarity of Durham institutions to address problems present in all of England. This is a very loose paradigm, but then it is a model of a very convoluted social dynamic. Rural Durham, as with all of rural England, was a complex and sometimes even healthy society. Only gradually did it transform, and at no time was a specific outcome assured. I have attempted to avoid any teleological outlook as well as the need to paint the peasants as heroes and the lords as villains, treating all the actors in the drama equally and as having equal freedom. Custom and law were both stretched in the interests of various parties, created and reconstituted on the spot in court, and generally used to mask change. At stake were control of the community and the control of the individual. Conflict arose when one party saw another as going beyond traditional bounds to constrict its freedom. These conflicts over order occurred more frequently among the peasants than between the lords and the peasants; different groups had different ideas of what the village community should be and strove to impose their views. There had to be compromise, of course, but that meant each party had to decide what was most important, and in some cases the attempts to meet those goals backfired. All actors had both long and short-term goals, and as a result, the ensuing actions were highly complex and frequently full of friction. No one could have envisioned the sweeping changes after the Black Death.

Chapter Two

Durham: Historians, Records, and the Recovery of History

Late medieval Durham was a county palatine, the land of the prince-bishops. Today, one cannot escape the constant bombardment of “Prince Bishop” imagery in the city of Durham; there is a Prince Bishop shopping area, and even a Prince Bishop car park. The medieval bishops preferred the term “lord bishop” (*dominus episcopus*). They knew full well that they stood *in loco regis*, issuing their own writs and laws, coining their own money, and possessing their own Chancery and Exchequer.¹ The king controlled the appointment to this see more carefully than any other bishopric; for centuries after the beginning of Norman rule, Northern England was a troubled frontier, dangerous and unruly in both peace and war.² It was an area far removed from royal control and supervision, necessitating a strong regional figure with close royal ties. The bishops of Durham were suited to this role, and the kings of England permitted and even encouraged the bishops to develop the machinery and customs needed to enforce the king’s will.³ Durham supposedly lies in stark relief compared to the rest of England, being the greatest of the medieval English liberties and peculiarities, and at the same time a major buttress to royal policies. The extent of Durham’s differences, on account of its liberties and the wide regal authority exercised by the bishops, is sometimes overstated. Most bishops were trusted royal advisors with long careers in the royal administration, and they chose men with experience at court and in the shires to help run the county. The common experience of the county personnel reduced the ways in which the bishop’s powers and Durham’s “constitution” differed from other English counties.

There were greater differences at the estate and village level, however; in particular, tenurial and personal status differed markedly from what scholars consider typical for the rest of England. To what extent did these differences

matter in the relations of lord and peasant? In many ways, the everyday life of Durham peasants was similar to the lives of peasants elsewhere in England; as far as can be known, they worked, played, lived, and died like peasants throughout the country. Hanawalt's conclusions about peasant families in *The Ties that Bound* apply almost equally well to Durham families, and the various activities and interactions of the Ramsey Abbey peasants explored by Raftis and the Toronto School may be found in the court rolls of the Durham bishopric and Priory estates. Inheritance patterns appear to be similar to those observed elsewhere, exhibiting no unusual practices. There is little to suggest that the general experiences of Durham's peasants were fundamentally different from the experiences of peasants living elsewhere. The differences in local law and in the tenurial and societal institutions of the estates did have significant influence, but this manifested in socio-political relations rather than in family structure or economic activities.

Despite this (or perhaps even because of this), Durham remains an unusual choice for a study because of the dominance of its palatine status in the historiography. Many of the unique features of Durham require explanation for a fuller understanding of the events after the Black Death. Dwelling on some of these features now will later serve to emphasize just how little these influenced the lord-peasant dynamic, and may give some glimpse of what England was really like elsewhere, underneath the cold, formulaic straitjacket imposed by many scribes.

One factor making Durham an unusual choice for a study is the element of scale. This study examines two massive estates in a single county for which few other records survive. The result is felicitous, but it was not the original intent. In its earliest stages, this was conceived of as a study encompassing all of Northeast England, from the North Riding of Yorkshire to the Scottish border. Northeast England especially would seem to be a good choice, given its long history as a separate political and cultural unit (i.e., Northumbria). The inclusion of North Yorkshire would permit a contrast with possible similarities and differences with the land beyond the River Tees. Altogether, the study of the northeast would provide a complement to Hilton's work on the West Midlands (1966). Such a work would be exhausting; the records of Durham and North Yorkshire are too many, while unfortunately the records of medieval Northumberland are not suitable for a study of the medieval peasantry.

Compared to the study of a region, examining a county appears to make more sense. Modern consolidation left the county as the basic unit of English government, and the organization of archives by county has simplified the historian's task. Yet there are pitfalls. Some historians have questioned the

appropriateness of county studies. Counties are not necessarily natural units and are rarely homogenous in terms of economy and geography, let alone society. Secondly, distinct county identities rarely existed, and even when they did, these were fragile things easily trumped by religious, economic, and other loyalties. Physical (and economic) geography also makes a difference. It is sometimes better to choose a cross-county region or to focus on part of a county to avoid the creation of an artificial community.⁴

Although the county study has been the mainstay of those historians interested in the early modern period, most medieval historians have chosen instead a single estate or village. These studies carefully laid out the amount of land held and its usage, tenant population, and the rents and services owed, and traced the changes in administration and economy, laying an invaluable foundation for later work. Hilton's work on the West Midlands heralded a potential shift in the historiography, even as he successfully built off earlier works (1966). Besides examining a region instead of an estate, his emphasis on the social helped produce a study with many affinities with the *Annales* tradition. Despite Hilton's masterful study of a region, most subsequent scholars continued to focus on a smaller subject.

The problem with many estate studies is that even the most compact of the larger lordships spread unevenly over several counties. These are useful to examine the role of estate management and relations with tenants, but many variables that might affect different manors and villages cannot be isolated. There is also the nagging question of typicality, which is an even greater problem for studies of a single village. Were the events of that village exceptional? Consider Halesowen as an example of oppressive lordship, as studied by Razi (1983). Were all medieval lords that deeply in conflict with their tenants, or were the peasants there just dreadfully unlucky? What about the early modern community of Terling (Wrightson and Levine)? The changes in religion and economy may have been typical of a wider trend, but not necessarily so.⁵ English villages were not hermetical units, but existed within a mesh of other villages as well as regional and national politics and ideas.⁶ Even when a group of nearby villages had the same lord, as with the Ramsey Abbey villages, it remains difficult to know whether this permits us to draw conclusions about a more generalized group or region. The estates of the Priory and bishopric of Durham allow the historian to bypass some of the limitations inherent in earlier village and estate studies, thanks to their size, geographical coverage, and history. Virtually no other local estate records survive for Durham, although the fragments point to strong similarities in terms of economy and society. What happened in Durham was not necessarily typical for all of England; as will be seen, "what

was typical for Durham?" is itself a question that will come to the fore quite quickly.

DURHAM'S HISTORY AND HISTORIANS

Durham has not lacked for historians. As with most counties in England, the early historians were antiquarians who nourished a strong interest in the history of the gentry and nobility and also studied the many Roman, British, Anglo-Saxon, and even Viking remains in the county. Medieval Durham preserved aspects of earlier society and culture; cornage and dringages are only a few of the better-known examples. The organization of Durham into shires and wards instead of hundreds and wapentakes and the decidedly unusual responsibilities of the coroners all point to the retention of older forms. These remnants have also proven important to twentieth-century archeologists and historians, providing material for studies on cornage and dringage (Lapsley 1904), social and tenurial structures (Jolliffe), estate and settlement structures (G. Jones), and village plans (Roberts 1977; 1987; Campey 1982; 1989), among others.

Durham's palatinate nature also has attracted the attention of historians, especially during the late nineteenth century when constitutional history was in vogue. The classic work on the palatine institutions is Lapsley's *The County Palatine of Durham*. In it, he carefully laid out the workings of the palatine government, including the rights of the bishop. His basic thesis was that "[t]he palatinate of Durham was in its nature a microcosm of the kingdom," "a tiny feudal England" that mimicked national government and institutions (2). This work set the tone for Durham scholarship for the twentieth century. Several scholars have further investigated the government and constitution of Durham, often in relation to the other English palatinates.⁷ While subsequent historians have debated the exact powers and freedoms of the bishop as earl palatine, none have challenged Lapsley's general premise of Durham as a miniature England. It has become a basic assumption, and this is unfortunate, as some of his claims are tenuous. Much of the blame lies in the general absence of evidence for the workings of the county palatine. Lapsley's genius was in taking shreds of evidence and extrapolating from them a working government; in this, he was guided by his thesis and the trends of the time, and thus he was inclined to interpret the evidence in light of royal government and constitutional development. The bishops' position was far different from that of the king; they had no Parliament with which to contend, and no overmighty subjects with whom to struggle for supremacy. The authority of the bishop *qua* king was far more absolute; if the bishops

followed the lead of the kings, then they did so out of choice.⁸ The work is impressive in its scope and analysis, but subsequent work suggests that there were more differences between palatine and royal administrations than Lapsley found. In addition, with the focus on constitutional history, Lapsley ignored the operation of the bishop's estate as a social and economic entity, and had little interest in the peasantry; for example, he dismissed the hal-motes as "present[ing] no peculiar features" (196). Nevertheless, his work remains largely unsurpassed and provides a good foundation for continuing study of Durham and its history. Biographies of bishops Hugh de Puiset (G. Scammell), Antony Bek (Fraser 1957), and Thomas Langley (Storey) have explored the relationship of Durham with the rest of England, and Fraser in particular has contributed greatly to the political and legal history of the palatinate.

For rural Durham, economic and agrarian studies dominate. T. Lomas explored southeast Durham in a "tenure and mobility" style study, and although he examined only one part of the county, this study did much to illuminate certain aspects of the land market. Roberts and Campey have studied the development of villages and settlement patterns in the county. Much attention has fallen onto the Durham monks, and the records are well suited to this. Dobson's book on the Priory is the major modern work on the Priory as a whole (1973). His main concern was the function of the Priory as a monastic house, and consequently he devoted his attention to the functioning of the Priory in relation to the lives of the monks, drawing heavily upon the work of Halcrow in particular. Halcrow studied the agricultural operation of the Priory estates, focusing on the operation of the manors and agricultural policy (1949; 1955). A quarter of a century later, R. Lomas examined Durham Priory in its capacities as late medieval landowner and landlord (1973). His focus was the management and income of the various Priory estates, but he sketched the basic features of rural life on the Priory main estate and made a close examination of the village of Fulwell. The administrative history of Durham Priory is well known, and subsequent articles have contributed even more. Threlfall-Holmes and Dodds have continued this work, adding further studies of the monks' economic activities and highlighting the complexity of the Priory administration. Dunsford and Harris have analyzed the pattern of land use in Durham and the changes in that pattern over time, raising challenges to Postan's population-resources model. Britnell, heading up a study of the copious Durham charter evidence, has used these land grants to elucidate agrarian practices. These recent strides are only the beginning, and serve to show just how much the study of Durham has contributed and continues to contribute to medieval English economic

history. Compared to this, the social history of Durham has lagged, with the exception of an overview in the *Victoria County History* that noted some of the examples and trends discussed in this study (Bradshaw).⁹ Except for works on the feudal reaction in Durham of Bishop Thomas Hatfield (Britnell 1990), little attention has been paid to the bishopric estate at all, despite an abundance of records.¹⁰

LAW IN RURAL DURHAM

For the past century and more, research into rural England has drawn upon the records produced by the local courts (usually called manor courts), especially in investigating village society. As I relied heavily on legal sources to document the Durham peasantries, it is only right to discuss some of the relevant features of these documents before moving on to questions of interpretation. In the past decade, there has been considerable interest in local law, both in terms of procedure and principle as in the human factors, and there has not always been agreement on the subject. While Beckerman has produced a widely accepted overview of the procedures and law of the manorial court, local factors and traditions still had considerable influence, and both Hyams and Bonfield have cautioned against approaching the rolls without sufficient context (Hyams 1996; Bonfield 1989; 1996). It seems logical to rephrase Maitland's suggestion that editing manor court rolls be left to "one who had . . . an intimate knowledge of and a special interest in the villages with which he would have to deal" to include the studying and analysis of those courts (1889, xii). Despite the trickling down of Common Law ideas and procedures, despite the legal experience of the men who ran the courts for the lord, despite the potential for widely accepted norms (social and legal) throughout England, the manor courts were not an exact extension or mirror of the Common Law courts, and consequently, the legal history of the courts can only be understood fully in the local context. Unfortunately, that local context must be derived from the local court records, which leaves the historian in something in a quandary, the difficulties of which are further compounded by silences, ambiguities, and distortions in the record itself, as Poos and Smith have argued in relation to the use of manor court rolls for demography.

In Durham, these problems with the local courts are exacerbated by how little is known concretely about law in the palatinate at any level. The great explicator of Durham's palatine constitution, Lapsley, contended that the administration of the palatinate mimicked that of England. However, there were significant differences at the local level in Durham, and these

imply strongly that there may have been divergences at higher levels of law (Larson 2005).¹¹ If the palatine legal institutions did not develop alongside those of the Common Law, if the bishops did not adopt royal or Parliamentary legal policies, how did the Durham system of law develop? The answer seems to be, *ad hoc*. This is most visible in the bottom tier of courts, those in which most peasants would have pressed their claims. In most of England, the basic courts were the hundred (or wapentake) courts and the manorial courts. In Durham, there appear to have been only the halmote courts, which combined elements of both hundred and manorial courts along with additional powers. It was common for lords to possess the right of holding the hundred court in addition to their own manorial court; the situation in Durham was different, in that there simply was not such distinction between jurisdictions. Indeed, the evolution of the court system likely took a different path.

This mingling of jurisdiction and competence provided both bishops and priors with extraordinary legal control and a distinct ability for potential tyranny. The halmote courts mixed seigniorial interests, like the enrollment of land transfers and the levying of merchet and leyrwrite fines, with private litigation, and the former element served the peasants well. In that sense, the needs of the peasants drove the functioning of the courts after seigniorial interests began to fade, keeping them somewhat viable and providing the impetus for change; as noted in Chapter One, it is questionable whether the profits generated by the court warranted the costs of holding the halmote tourns. Strict legal principle and jurisprudence were not important factors in the decisions of cases; functional equity, or even a form of dispute resolution as described by Bonfield, was the critical element (1989). Hyams has argued that English villagers had a broad experience of law and legal activities (even if they had no formal legal training), and that this influenced the way that the manorial courts functioned even when local factors are taken into consideration (1996). In Durham, this simply was not the case; there were no traditional royal or Common Law courts in which the peasants could participate, unless they went out of the county, and the rather juridically informal procedures of the halmote courts confirm Hyams's point even though they disprove it for Durham. The normal English juridical obsession with form and procedure is absent in the halmotes, although traces of Common Law procedures occasionally crop up (such as a plaintiff wishing to plead in the form of a standard writ). Many normal restrictions on the local courts did not apply; plaintiffs could sue for debts of 40s. and higher, for example.¹² The only elements apparently excluded from the courts were felonies.

The mechanics of the halmote also differ from what is considered normal (Bailey 2002, 171–178). In many cases, it is easier to determine how the courts did not work than how they did; much of the dynamic is hidden. Take judgments, for instance. In many manor courts, judgments were made by the suitors or homage; in the halmotes, the suitors do not appear to have such a direct role, and judgments appear to have been made by the jury or the president (steward or bursar). Elections of village officers involved more than confirmation of the lord's selection, and it seems more that the lord confirmed the villagers' choice. One of the real mysteries of the halmote courts is the assessment of fines and amercements. In many manorial courts, these were determined by affeerers, chosen from among the tenants or suitors. The halmote records do not mention such officers, and there is no evidence that the village collectors, who may or may not have collected the halmote fines, had any role whatsoever in the halmote courts. The juries sometimes assessed damages in cases of trespass, but otherwise the records are silent as to who set the fines and penalties. As most amercements tended to be 6d., or a multiple thereof, the answer seems to be custom, although the lord overrode these. There were also punitive fines that the stewards and bursars levied in addition to the amercements; these were seigniorial, although undoubtedly with some influence from the jurors. In addition, on the Priory estate there were *pene* (sing. *pena*), the penalties for breaking bylaws or the bursar's injunctions; the whole village (in all likelihood, the reeve and jurors) determined the *pene* for bylaws, while the bursars set those for injunctions. In these and other ways, the halmotes had their own specific and complex customs, which certainly played a role in the interaction of lord and peasant.

Even though the courts were seigniorial instruments and the bishops and bursars dominated them—impleading the lord in the halmote was forbidden, unlike in Ramsey Abbey (Olson 26; Britton 169)—the halmotes were quintessentially local courts.¹³ Several villages would come to the court session, held at a central place such as one of the old shire or estate centers (e.g. Stockton or Bishop Auckland) (Larson 2000, 84–88). Although we cannot know it, these courts likely served social functions as well, a roughly regular opportunity for tenants of a region to come together, do business in and out of court, and to drink ale, also in and out of court. The halmotes remained a staple of local law to the end of the Middle Ages, and beyond. If the many courts available in England may be understood as a market of law and justice, as Hyams's inquiry into the understanding of law by Edwardian villagers implies (1996), then the bishops and priors were canny businessmen who employed both attractive choices and monopoly to bring in and retain the customers. The lack of

any real competition and the loose, resolution-oriented procedures allowed the court to serve its suitors and to change with the times. The continued interaction of the chief officers of the estates with their tenants benefited both lord and peasant; the estate managers could take the social and economic pulse of their respective tenantry and enact the important social rituals of lordship. Until the end of the fourteenth century (and longer, on the bishopric), the peasants enjoyed a responsive legal system and a useful if limited access to their superiors, albeit all at the cost of less room to mislead their lord about their true wealth and abilities. The halmotes may not have been perfect or pleased everyone, but they were satisfactory. What we do not know, however, is how active the peasants were in the higher echelons of the justice system. Only one (rather unenlightening) county court roll survives, and few peasants would have had the means to procure a special commission of one of the justices. From the scant references to other courts in the halmote records, however, it is not unreasonable to conclude that for most matters, fourteenth-century Durham peasants found in the halmote all that they needed.¹⁴

THE DURHAM ARCHIVES: RECORDS AND THEIR INTERPRETATION

An unusual political system, an unusual legal system, and a large yet incomplete set of records, and yet the historian of Durham remains in a strong position. Although the exact influence that palatine institutions exercised upon lord-tenant relations may be hard to gauge, the unusual features of the legal system may provide greater access to rural society than manorial records elsewhere. The records have their drawbacks, but that is true of all records, and in the halmote records particularly Durham offers a plethora of material to be mined. Although most medieval records for lay estates (charters excepted) have not survived, records for the estates of the bishop and Priory of Durham survive in daunting abundance for the period after the Black Death. The archives are extremely rich in medieval material, with verbose memoranda and legal records supplementing the vast numbers of annual accounts produced by all levels of the administration. It is possible not only to establish the general trends and to recreate everyday life in close detail, but also to begin exploring the mentalities and motives of lords and peasants and to explain the actions and changes after the Black Death.

Durham University's Archives and Special Collections now holds the records for the estates of Durham Priory. Until 1993, the records were preserved in the famous Prior's Kitchen (now the Cathedral gift shop); before

their transfer to that location in 1950, they were held above the Priory Gatehouse (Davies). The post-medieval preservation of these documents has been excellent; in general, if a document survived to the end of the Middle Ages, it survives to this day (Dobson 1973, 4–5).¹⁵ Many were lost by the 1430s, especially many of the account and legal records; writing about that time, one monk reported that many documents “were consumed partly by rain and partly by rats and mice” (3). Although years of damp, mold, and insects, as well as earlier modern attempts to improve legibility through various liquid applications, have taken a toll on the records, most of the surviving records are surprisingly complete and readable even under normal light. Such a storehouse of records in such good condition is a medievalist’s delight.

The records for the bishop’s estate, on the other hand, have had a far rougher and well-traveled life. The palatine estate records, including those of the halmote, were “preserved” in the palatine Exchequer until 1868, when the Church Commissioners removed them to London on account of their sorry condition (Hardy). The Public Record Office in Kew holds most of the medieval palatine records. Durham University Archives and Special Collections holds the remaining material, mostly accounts, along with substantial post-medieval palatine records. What survives is in good shape, although small portions of some documents are no longer legible. In short, for both estates, if the records have survived they have done so in good condition.¹⁶

Most of the records used here are divisible into two groups: official legal records (*rotuli curie*) and accounting materials (*compoti*). Most of the accounting material comes from the Priory estate, ranging from annual manorial accounts to the central records generated by the obedientiaries and even by the prior himself; few account records for the bishopric estate from before the mid-fifteenth century survive. There are numerous rentals and surveys for both estates, many of which record far more data than acreages and rents and are crucial to understanding social and economic change.

Accounting records present their own difficulties of interpretation. While a manorial account might appear straightforward—expenses, income, allowances—there are considerable hidden difficulties. One of the most serious is a different mentality. The medieval bailiff or lord did not share our modern conception of “profit.” Different people with different expectations ran manors for different reasons. Secondly, many of the entries can be deceiving. Miranda Threlfall-Holmes has shown that many rents paid to the Priory in the late fifteenth century were paid in kind rather than in coin, even though the scribe entered the payments as cash (2005, 141–145), and Dodds has shown similar “cash” payments recorded for tithe transactions (2005a, 134). Likewise, it appears that certain labor services,

apparently commuted, in reality were used by the bailiffs. In addition, what was missing? The bishopric halmote books generally do not include the sums collected at each court; these must have been recorded elsewhere. The lack of estreats and collection records for the fourteenth century makes it difficult to estimate the success of collecting fines, a serious flaw as Priory officers frequently condoned part or all of amercements in their courts. As a supplement to the court records, however, the accounting materials contain invaluable indicators of economic and administrative change.

The legal materials form the archival core of this study, as these are the best records for recovering rural social dynamics. These record the enforcement of seigniorial dues and demands and the punishment of infractions, as well as substantial litigation between the peasants. Together, all this means that the records are biased towards conflict, and must be used with care (Poos, Razi, and Smith; Bailey 2002, 167–192). In terms of conflict and compromise, the glass is half-empty; we see far more of the worst than of the best. Knives were drawn, heads were cracked, and at times, ambushes executed or foiled. Men and women cursed each other and called their neighbors liars, thieves, and whores. They broke contracts, abandoned employers, stole goods, slew or mutilated animals, and trampled crops. Rural society undoubtedly was not as dark as the court records make it out to be; we see families quarreling rather than supporting each other, neighbors fighting rather than helping each other in times of need. True, sometimes the camaraderie comes through, when neighbors worked another's land in his absence, when money was lent, or when an entire village leased pasture in common, but often the fights and quarrels divert our attention from away from cooperation. At the same time, the use of the halmotes for record keeping can balance this, injecting a large dose of the quotidian. From land transfers to marriage licenses, from taxes on brewing to taxes on illicit sex, from the election of village officers to the announcement of agricultural bylaws, these provide a glimpse of ordinary life in a community where people depended on each other. Still, even here, the court records contain only that which needed to be official; for example, land transfers appear regularly in the records, but for subletting, which occurred routinely, we sometimes have little evidence as to how it worked in practice. Jurors and officers “forgot” to present certain offenders. And, naturally, the lords sought to spin events to uphold their rights and maintain social order. Altogether, this juxtaposition of the mundane and the extraordinary means that the court records provide an incredible amount of information on rural life, although at times this requires reading between the lines or determining what happened that was not recorded.¹⁷

None of the original records of these courts survive; what we have are formal copies made shortly after the end of each court tourn (Larson 2000, 19–34). The Priory kept these good copies as parchment rolls, referred to as the Halmote Rolls. The bishopric records took the form of quires, later bound into codices, and referred to as the Halmote Books.¹⁸ Neither series is complete, but they do overlap. These are undoubtedly more legible and organized than the originals, but such improvements come at the cost of standardization and the omission of information deemed common knowledge. It also seems certain that the court business in the original was split among different sub-series of records during this process of copying the records; as most of these sub-series of records are now lost, it is possible that a significant amount of data have been lost to us permanently.¹⁹ Most of the lost information seems to have been financial in nature, and so much of the discussion of the economic situation in Durham must of necessity be qualitative and based on contemporaries' impressions.²⁰ Despite the imperfections, it is possible to piece together a considerable amount of the two estates' history, particularly of lord-tenant relations.

That is because the coverage of the main records used for this study, the halmote records, is substantial, and is extremely good for the second half of the fourteenth century. For the bishopric, no halmote books survive from before 1349, but the surviving fourteenth century books cover from 1349 to 1362 and 1388 to 1400, with a few scraps of one roll from 1381. For the Priory main estate, for the fourteenth century, coverage spans from 1364 to 1400, with some gaps and damaged rolls, in addition to two rolls from 1358. Coverage on both estates continues into the sixteenth century, and for the bishopric, well beyond. So, there are gaps, but never for both estates at once, and for the bishopric, a before-and-after analysis can help fill in the broad trends from 1362 to 1388. In total, that is one hundred five Priory rolls, and six hundred forty-two folios of bishopric records, for court records alone; then consider that the two estates combined had over seventy villages reporting to these courts. Some of this material has been damaged. Weather, rodents, and attempts to read faded writing all have taken their toll; but with exceptions, all those villages that came to the halmotes are represented for every tourn of every year. The bishopric and Priory of Durham deserve to stand with the other estates with rich archives, such as Ramsey Abbey, with its fifty-five manors spread over eight counties (Olson 5; Raftis 1957), from whose archives historians have extracted so much.²¹ Any limitations then are more than outweighed by what remains.

In addition to this coverage, there is another aspect of the Durham records that a medieval historian finds most heartening: the form and language

of the records are unusually stable. This is certainly true from 1349 to 1509, and while there are changes in the early modern period, even the bishopric halmote books from the Protectorate display surprising continuity (albeit in English rather than Latin). The most important gift of this stability is that it allows for an analysis of general change over time. That is, rather than having to correct for the vagaries of each individual scribe, the uniform language (even among different scribes) implies that the basic concepts remain the same. Change or confusion is noticeable and unmistakable. One example is the creation of the concept of the “bishop’s widows” after the Black Death. That the concept is new is clear from the uncertainty of the scribes as to how to render the term in Latin; was it *vidua domini*, *vidua episcopi*, or *vidua domini episcopi*? Eventually, *vidua domini* became the standard term, but this example demonstrates how linguistic uncertainty and flux coincided with administrative and cultural change. At other times, striking differences in language indicate a “foreign” scribe (e.g. one from outside of Durham), or at least one unaccustomed to standard Durham usage. One particular example of this is found in the bishopric halmote books for 1393/94, when the scribe employed *manerium* in certain entries, along with the phrase *secundum consuetudinem manerij* (“according to the custom of the manor”). Those who have studied the manorial history of other parts of England would know these as standard terms. In the Durham records, they stick out like a sore thumb, as *manerium* in Durham referred to a demesne farm with no tenants. In these instances, the scribe “mistranslated” the standard unit of settlement and lordship (in Durham, the township, usually rendered *villa* or *villata*) into the more familiar “manor,” and *faciendo domini et vicini quae incumbunt* (“doing unto the lord and neighbors what is incumbent”) into “according to the custom of the manor.” These are similar underlying concepts, but not quite the same; in fact, these odd references relating to the “manor” are what help to identify a number of ways that Durham differed from the normal manorial pattern. Examples such as these tend to be concentrated rather than scattered, indicating that the language is peculiar to a certain scribe rather than part of a flexible lexicon common to many scribes. Although stability of language does not necessarily equate to stability of thought, that the language did change, and the ways in which it changed, increases faith in the records as reliable recorders of continuity of change.

QUESTIONS OF INTERPRETATION

The greatest challenge in understanding what happened in Durham after the Black Death is how to interpret the overwhelming abundance of data,

certainly a pleasant problem. The first question regards whose point of view the records reflect and how they were recorded. Olson argued that the records of the manorial court were a veritable “running transcription” and “village voice,” or, as indicated in her title, *A Chronicle of All That Happens* (Olson 10–12). “[E]ven a surface reading of the evidence suggests that the translation must have been quite close and that meaning was not obscured by mere formulae” (13). Olson marshals evidence to support her claims, and her arguments for the recovery of peasant voices is strong. However, her view of the transparency of the records is too simplistic and gives too little weight to filters, symbolism, and seigniorial control of the record. Even though relations between lords and peasants were marked by compromise and cooperation, as she observes, this does not render the record of that compromise and cooperation neutral, or even pro-peasant; lords had power, and that power was often expressed through records, as the rebels of 1381 demonstrated when they burned many manorial records, including court rolls (Hilton 1973, 227; Dyer 1984, 12–13). No, the manorial court was a seigniorial institution; it existed to buttress the power of the lord and allow him to demonstrate his authority and his concern for the villages and his tenants. Bishop Hatfield’s use of the halmotes to force tenants to take lands or find others to take the lands as discussed in Chapter 5 is a stark example of the seigniorial nature of the courts, although the inability to enforce many decisions in either the bishopric or Priory courts demonstrates the effective limitations of that power. It is true that, in terms of business heard before the court, what the peasants needed influenced the court and its development as much as, or more than, seigniorial or manorial interests.²² However, what appeared in the court records had been filtered through the seigniorial officers, the village officers, and anyone bearing witness. Furthermore, since both the bishopric and Priory halmote court records were good copies, what we have is the clerk’s translation of possibly another clerk’s notes about the lord’s point of view of the officer’s point of view of what they think happened, finally written out when the steward and his clerk had returned to Durham or Bishop Auckland.

Nevertheless, the peasants’ voices leak through all these filters with regularity, although not as directly as Olson argued. This is particularly true if the scribe writing the records felt that what happened or what was said was interesting enough to write down; and this is assuming that the scribe who wrote the rough copy wrote the final copy as well, or else there is another potential filter at work. Far more often, however, there is a need for interpretation to excavate the peasant voice from the seigniorial record. Sometimes, this is fairly easy, as when rejecting a custom or an argument the record may

state the peasant point of view to make clear in future cases exactly what was forbidden and why. In other instances, however, we must read between the lines, comparing words with action and response, to look beyond what was said or done for what was meant. The scribes did not record true motivations in the halmotes, but these may be deduced based on the seigniorial interpretation, even the ambiguity of the language used. Additionally, much of the business in the courts was intra-peasant in nature: debts, trespasses, broken contracts, and so forth. These concerned the lord in that he wished to have smoothly functioning communities and relatively satisfied tenants (all for his own purposes, and the income from amercements did not hurt either); but, this was peasant business, and indicated their own needs, problems, desires, and quarrels. These two require interpretation, to take basic formulae and often terse entries and connect them to recreate what happened and why. The Durham halmotes were in many ways peasant institutions, but recorded based on seigniorial interests and scribal whims, and for the purpose of recording the lord's rights and the tenant's obligations.

The importance of these filters should not be underestimated, but it would be erroneous to assume that lords and peasants had completely separate worldviews. The close contact of lord (or lord's representative) and peasant in the halmote courts reduced potential interruptions in information. Lords and peasants were all part of one larger culture, reinforced by the Church and its teachings. Olson pointed out that lords and peasants were able "to 'read each other's culture,' and to do so with great accuracy and sophistication . . . over long periods of time" (24). Much of the time, communication was easy, despite differences in economic and social conditions. Mutual interests could reduce miscommunication, or even make it irrelevant; success often leads to a willful closing of the eyes for the sake of maintaining cooperation and therefore profit. Nevertheless, dramatic misreading did occur in late medieval England. One reason why is that, while lords and peasants were part of a common culture and shared many symbols, the importance and interpretation attached to those symbols varied; in some cases this could be extreme, as exemplified by the 1381 Rising.²³ Wealth, power, and economic situation all affected the interpretation of others and events; even with a shared culture and even with frequent interaction, the bishop of Durham, with his regalian powers, massive estate, and political importance, could not help but see society differently from the peasant with fifteen acres of land. The relationship between lords and peasants was one of unequal power, and therefore unequal voice. It is natural to guard what you say around a superior, even if the relationship is friendly and open; when dealing with your lord and

landlord, to whom you paid rent and owed services, part of the truth remains hidden. Symbol, innuendo, and half-truth were all part of the dialogue between lord and peasant.

THE DIALOGUE OF THE DEAF

One way to approach this potential conundrum is by looking to alternative historiographies, in particular, those able to draw on oral history or first person observation. One potential explanatory concept derives from studies of the interactions between Europeans and Africans and Native Americans in the precolonial period, in particular the early apparent success of communication and conversion. MacGaffey proposed the idea of the “dialogue of the deaf” to explain the paradox of miscommunication and successful communication between Europeans and Africans, in particular Portuguese efforts to convert the kingdom of Kongo. In this “dialogue,” each side imbued certain common symbols with different meanings, categorizing them according to their own worldview, all unconsciously, and at times these different meanings could vary considerably. It was, at heart, a mistranslation; neither side truly “understood” the other, and perception and categorization outweighed reality. Yet communication, or at least interaction, became possible, until the reality of the difference became apparent.²⁴ In a similar vein, in discussing Aztec and Spanish interaction, James Lockhart concludes that “[e]ach side was able to operate for centuries . . . on an ultimately false but in practice workable presumption that analogous concepts of the other side were essentially identical with its own” (219).

This approach is useful in medieval English history as well, to explain how lords and peasants could use common terms and symbols but with different understandings. This is why the concept of the “Three Orders” cannot be dismissed as an empty fiction and why the manor courts remain more than seigniorial instruments, as the peasants took ideas and institutions and bent them to their own purposes. The same could be said of concepts such as “good lordship” or the “community of the realm,” or even the “crown;” various parties could hold radically different interpretations, the differences only becoming known in times of crisis. In certain situations, one party might be privy to *both* interpretations and use the additional knowledge to manipulate the other group, for example, forcing a lord to do something to save “face.” Thus, this medieval “dialogue of the deaf” explains apparent harmony where we might not expect it, and permits the exploration of different mentalities using limited records, relying heavily on the tensions between perceptions and actions to bring these to light.

HIDDEN TRANSCRIPTS

Another method of recovering peasant voices is the concept of “hidden transcripts” put forward by J. Scott in *Domination and the Arts of Resistance*. Rather than a written record, by “hidden transcripts” Scott means the thoughts and opinions, which sometimes are shared but normally kept hidden from view; that is, a different point of view or account, a different history or interpretation. In particular, what peasants (or any other non-dominant group or person) *really* think about their superiors and their world is usually kept hidden, and this is doubly true when that opinion or belief is negative. This is a natural survival technique; no matter what a peasant thought of the headman, or lord, or taxman, she kept her mouth shut and put on the appropriate mask of subservience. Even among equals, such masks were used; and we should not assume that elites were able to express their feelings freely, but must have been constrained by social norms to act in certain ways.

There are instances where Scott’s theory works fairly well when directly applied. This is particularly true in times of stress or crisis when people let their masks slip and reveal what they really think. Mate’s analysis of fifteenth-century revolt in south-east England illustrates this approach well: “[T]he English rebels in the rising of 1381 had a touching faith in the willingness of Richard II to support their cause. So too, the manifestos from Cade’s rebellion . . . in one manifesto they took care to point out that they were not social revolutionaries” (663–664). Publicly, the rebels supported the king as was traditional, calling for the removal of ministers who had misled the king. Amongst themselves (as in an alehouse) their utterances turned more treasonous, as they opined that Henry VI was a fool and not competent to rule. Mate concludes that this may well have been what the rebels as a whole were thinking, and that only “injudicious imbibing” allowed the truth to come out (664). In cases such as this, when these men were overheard in the alehouses and markets (and reported by others), we can take what is said or recorded at face value, and without any need to modify the theory of hidden transcripts.

Much of the time, however, Scott’s theory cannot be applied so directly, because the society of late medieval England was different from those societies from which Scott derived his theory. Scott elaborated the idea of hidden transcripts using societies in which dominance was, if not absolute, quite powerful:

subordinate groups in these forms of domination have no political or civil rights, and their status is fixed by birth . . . relations [between

superior and inferior] are forms of personal rule providing great latitude for arbitrary and capricious behavior by the superior. An element of personal terror invariably infuses these relations—a terror that may take the form of arbitrary beatings, sexual brutality, insults, and public humiliations.” (x).

J. Scott himself points out that he is looking for “structural kinship” rather than an essentialist position (xi), and late medieval England is an excellent example of this kinship, albeit a more distant relative than the societies from which he derived his theory. Unlike untouchables, slaves, or early modern serfs, English peasants had some rights and were expected to take part in law and administration in the countryside. English serfs were at times subject to some of the above, but they were also protected by custom. Titow, interpreting Hilton’s work on the lawsuits in royal courts by peasants against their lord, argued that “the overwhelming impression one gets from the perusal of the records of the manorial courts is not one of arbitrary landlords settling disputed issues by their own fiat, but of men respectful, on the whole, of the manorial custom” and that this was “evidence that the English peasantry was neither cowed into submission nor oblivious of their rights, and that they were prepared to defend them in those, relatively infrequent, instances when they were disregarded” (1969, 58–59).

The implication of these differences, and on Scott’s emphasis on flexibility and “structural kinship,” is that the theory of hidden transcripts fits late medieval England to some degree (and to what extent would depend largely on local situations), but that the theory may be modified to account for these differences. The most logical reinterpretation of the theory is that not all of the “hidden transcripts” necessarily were hidden to the same degree in late medieval England. A certain amount of dissent was accepted and ritualized (though this in turn could obscure true feelings), so the amount of hidden feeling or belief therefore may be less in this society than in those where the subaltern had little or no chance to dissent. Furthermore, English peasants could be willing to speak out; treason against the king is one matter, but peasants often reviled their local jurors as “perjurers” or willfully ignored seigniorial rights (such as restrictions on fishing or on hunting in warrens), even in the best of times. Most of the time, most of the peasants’ hidden transcripts are partially visible, especially when actions are included. In times of crisis, however, negative thoughts are suppressed and hidden, reducing the visibility of those transcripts until the pressure becomes too much and then bursts forth. This helps make revolt and riot more dramatic. Warning signs are best seen in hindsight; as resistance escalates, peasants may force a façade

of normalcy or use disinformation to cloak their actions (as when jurors fail to present infractions), while lords may ignore or more likely misread peasant actions in these circumstances. Once again, the 1381 Rising serves as an example. Peasant unrest had been building, and lords were complaining about this, yet no one expected widespread revolt and a march upon London (Faith 1984; Hilton 1973). This tendency renders these approaches even more useful, as it provides an additional indicator of changes in lord-peasant relations.

These theories provide one additional benefit for medieval peasant studies. They enable the historian to examine the different views and masks in play at any given time and to explain apparent contradictions. Yes, we can recover occasionally portions of the hidden transcript, and deduce what may remain hidden; but at the same time, we receive the public transcripts in varying degrees. As with changes in vocabulary, a change of mask indicates other changes as well. The sudden eruption of a hidden transcript into public view may reveal simultaneous social or economic distress, or indicate that a tipping point has been reached. Likewise, the “dialogue of the deaf” explains how lords and peasants used similar concepts but with different expectation, and yet managed to cooperate. The theory even provides a potential framework for the unveiling of a hidden transcript, when the distortions required by mutual misunderstanding become too great to ignore and the hidden transcript (one side’s conception of certain ideas) is revealed to be different from the public or dominant interpretation. For quite some time, ideas about medieval Europe were used by historians to explain non-western regions (e.g., “feudal Japan”); now, ideas developed by historians, anthropologists, and sociologists in those same nonwestern regions may help to recover the voices of medieval European peasants.

The records of Durham are rich, full not just of information but of meaning as well. The geographical and chronological coverage of the records permits an examination of social dynamics involving thousands of families over generations. The large numbers involved mean that individuals do get lost, but the details of the records also push individuals and individual choices to the forefront of analysis. The potential of the archives is well-served by the variety of interpretive frameworks and theories that have arisen from history, literary studies, and anthropology, all of which provide a solid tool set for interpreting events over a tumultuous half-century.

Chapter Three

Durham on the Eve of the Black Death

Just as the medieval records for the estates are vast, so too were the estates. The bishopric estate stretched across the entire county. Although smaller, the Priory estate was still sizeable. Both estates possessed extensive lands in the areas of the county most suited to arable agriculture, in addition to scattered settlements that exploited fully the plentiful pasture.

THE PATRIMONY OF ST. CUTHBERT

These two massive estates originally were one, and this original unity makes for an unusual homogeneity of structure and society.¹ The Patrimony of St. Cuthbert was a wide collection of grants to the saint before and after his death in 687 that extended beyond the borders of the modern county.² These lands supported both the bishop of Durham and the secular canons charged with tending the shrine of St. Cuthbert. Bishop William of Saint-Calais (1081–96) initiated a *de facto* division when he replaced the secular canons with Benedictine monks. Succeeding bishops were less sympathetic to the idea of an independent cathedral Priory and frequently struggled with the monks over their endowment. These and other disputes were settled in 1229 by a treaty called *le convenit* between the monks and Bishop Richard Poore (1228–37), which separated the Patrimony based on an already recognized division.³ Certain shared features persisted after the division, however, highlighting the similarities but also the differences in administration and attitudes towards the estate and tenants.

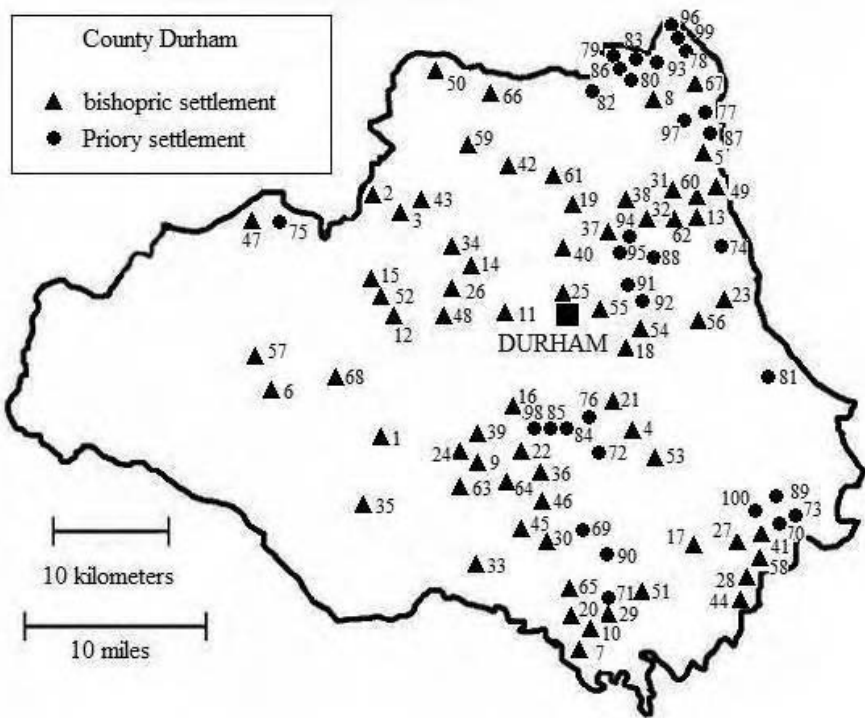


Figure 3.1. Bishopric and Priory Main Estate Villages. These are the villages directly administered through the halmote courts. Some were peasant settlements attached to boroughs (e.g., Bondgate in Darlington), but these were administered the same as any free-standing village.

Bishopric villages 1-68

Priority villages 69-100

Bishopric Villages

1 Bedburn	11 Brome-cum-Flas	23 Easington
2 Benfeldside	12 Broomshiels	24 Escomb
3 Billingside	13 Burdon	25 Framwellgate in
4 Bishop Middleham	14 Burnhope	Durham
5 Bishop Wearmouth	15 Butsfield	26 Hamsteels
6 Bishopley	16 Byers	27 Hardwick
7 Blackwell	17 Carlton	28 Hartburn
8 Boldon & Boldon	18 Cassop	29 Haughton-le-
9 Bondgate-in-	19 Chester-le-Street	Skerne
Auckland	20 Cockerton	30 Heighington
10 Bondgate-in-	21 Cornforth	31 Herrington
Darlington	22 Coundon	32 Houghton-le-Spring

33 Killerby	45 Redworth	58 Stockton
34 Lanchester	46 Ricknall	59 Tanfield Lea
35 Lynesack	47 Roughside	60 Tunstall
36 Middridge	48 Rowley	61 Urpeth
37 Morton	49 Ryhope	62 Wardon
38 Newbottle	50 Ryton	63 West Auckland
39 Newton Cap	51 Sadberge	64 West Thickey
40 Newton-cum- Plawsworth	52 Satley	65 Whessoe
41 Norton	53 Sedgefield	66 Whickham
42 Pockerley	54 Shadforth	67 Whitburn-cum- Cleadow
43 Ponthope	55 Sherburn	68 Wolsingham
44 Preston	56 Shotton	
	57 Stanhope	

Priory Villages

69 Aycliffe	81 Monk Hesledon	90 Newton Ketton
70 Billingham	82 Heworth, Over and Nether	91 Pitlington, North
71 Burdon	83 Jarrow	92 Pitlington, South
72 Chilton	84 Merrington, Kirk	93 Preston and Simondside
73 Cowpen Bewley	85 Middlestone	94 Rainton, East
74 Dalton-le-Dale	86 Monkton	95 Rainton, West
75 Edmondbyres	87 Monk Wear- mouth	96 South Shields
76 Ferryhill	88 Moorsley	97 Southwick
77 Fulwell	89 Newton Bewley	98 Westerton
78 Harton		99 Westoe
79 Hebburn		100 Wolviston
80 Hedworth		

THE BISHOPRIC ESTATE

The most thorough record of the temporal possessions of the bishopric estate is the great late medieval survey commissioned by Bishop Thomas Hatfield early in the 1380s, in which the surveyors listed more than fifty-four thousand acres in Durham (PRO SC 12/21/28; *Hatfield's Survey*).⁴ This is only a *minimum* estimate, as the scribes left the size of many holdings unrecorded and omitted large tracts of moorland and pasture, while the size of "standard" holdings such as the bovate could vary from village to village. The bishop did not administer all of these holdings directly. Many consisted solely of freeholds over which the bishop maintained only limited jurisdiction, and so are omitted from the present study. Many of these holdings were farms rather than settlements, and it is difficult to discern villis from smaller

Table 3.1. Total Acreage of the Bishopric Estate from *Hatfield's Survey*.

Type of Land	Acreage	Percent of total Acreage
Manors ^a & demesne land ^b	8745.13	16.00%
Free ^c	11833.90	21.66%
Dringages and malland ^d	1642.50	3.01%
Customary land ^c	19832.88	36.30%
Exchequerland ^f	9949.13	18.21%
Waste and vacant land	1805.13	3.30%
Other	833.00	1.52%
Total	54641.67 acres	100.00%

Source: *Hatfield's Survey*. These numbers are derived from the 84 main headings of the *Survey*.⁵

Notes:

All burgages and the boroughs of Durham and Sunderland are excluded. When the size of a holding is not stated, the size from a nearby village has been substituted if obligations were identical; in the case of bovates, fifteen acres was assumed as normal, as this was the common size on the estate.

^a Manor (*manerium*) indicates a farm (land and buildings only) without any attached settlement.⁶

^b This does not include manors granted out on a semi-permanent basis.

^c This is freehold land in or associated with the vill, and usually part of the overall village community; these are not the separate holdings referred to above. Often the size was not stated.

^d These sometimes were considered free lands, sometimes customary lands. Usually the holders of these lands rendered more "noble" services, such as attendance at the bishop's hunt, or carrying messages, with minor customary works required in the autumn (*Hatfield's Survey passim*; *Boldon Book passim*; Lapsley 1904; Jolliffe).

^e Primarily bondlands and cotlands. Bondlands generally contained thirty acres; cotlands (or cottages) were much smaller and represent either newer holdings or holdings attached to village artisans, like the smith.

^f Exchequerland was primarily assarts, though some appear to have been converted from other tenures (Bradshaw 183; Harris 203; Dunsford and Harris 2003, 41–46).

settlements such as hamlets and shielings. The townships, hamlets, and shielings that the bishop controlled directly through the halmotes accounted

for nearly seventy-five percent of the land recorded in the survey, with more than 40,000 acres of arable land and meadow.

The relative amounts of free and customary land in the bishopric estate do not vary significantly from the benchmark provided by the Midlands manors as recorded in the Hundred Rolls. The Durham numbers differ from those Kosminsky tabulated; in his overall sample, free land constituted twenty-eight percent, demesne land thirty-two percent, and villein land forty percent (68–116). If the Durham figures are adjusted by combining the dringages and mallands with free lands (as the tenurial customs and duties attached to these lands sometimes matched free lands more closely than customary lands, and because the tenants did not always have to attend the halmote courts) the resultant figure is closer to the figures Kosminsky arrived at for free lands. However, the smaller amount of demesne land is initially puzzling, but when only those villages with demesne land are counted, the composition is much closer to the townships of the Midland hundreds. Although more dependent on mixed farming than southern manors and villages, the bishopric estate was well within the standard range of English estates.

The major difference between the bishopric and the Hundred Rolls manors was exchequerland, a form of tenure not easily categorized, and perhaps more of a catchall category than a specific tenure. Exchequer tenure was unique, neither purely free nor purely customary. At times, the bishop's officials treated it as free land, requiring the tenants to appear in the county court and pay their rents to the coroner; at other times, the holders paid suit to the halmote court and paid their rents to the village collector, attributes of customary land. Exchequerland was created later than the twelfth century, as the category does not appear in *Boldon Book* (compiled in 1183). Many exchequerlands were assarts (Harris 2005, 203; Dunsford and Harris 41–46), while others were converted from customary holdings sometime prior to the mid-fourteenth century (Bradshaw 183). Most exchequerland was located in villages without customary holdings, comprising forty percent of the land in those villages, very similar to the level of customary land in the bishopric as a whole. Those villages reported to the halmote courts just as villages comprised of regular customary land. If the bishops considered most exchequerland to be customary land, then the relative amounts of free, customary, and demesne lands align even more closely with the Midlands manors, with the greater amount of bishopric customary lands and lesser amount of demesne attributable to the size of the estate. In terms of land distribution, the bishopric estate was similar to other estates.

THE PRIORY MAIN ESTATE

The estate of the Prior and Convent of Durham was divided amongst the Priory's obedientiaries, providing each with the necessary support for the execution of his office. Most of the estate was entrusted to the bursar to provide for the needs of the entire monastery, and this is referred to as the Priory main estate. It included nearly all of the Priory's customary lands in Durham and the north shore of the Tyne in Northumberland.⁷ The main estate's temporal endowment in Durham alone spread across eighty-two villis, hamlets, and boroughs, and in the late fourteenth century the bursar normally administered thirty-two of these directly, through the halmotes.⁸ These holdings contained more than sixteen and a half thousand acres circa 1400.⁹ In addition, the bursar held nine farms unassociated with townships; most of these were stock farms worked by *famuli*.¹⁰ Of the remaining properties not administered directly, most were scattered freeholds and burgages, as on the bishopric estate.

There is no extant survey of the Priory lands comparable to the bishopric's *Boldon Book* or *Hatfield's Survey*. There are rentals from 1340/41 and 1396 (*Bursar's Rentals* 30–128), and these provide the best snapshot of the main Priory estate. There are significant drawbacks; these rentals listed only lands from which the bursars collected a rent (usually monetary). They only included demesne lands that the bursar had farmed out rather than kept in hand, and only free lands that paid their rents to the bursar rather than to the prior or another obedientiary. Naturally, the lands enrolled changed based on what happened to be in hand at the time and on the bursars' administrative choices; for example, the rental of 1340/41 contains just over 9,459 acres, while that for 1396 contains 12,824 acres (*Bursar's Rentals* 30–128). In both rentals, there were additional lands listed as carcuates, bovates, or bondages, which would add a further 702 acres and 3,828 acres respectively based on the size of these holdings in the respective villages provided by Lomas and Piper (*Bursar's Rentals* 199–217 *passim*). Adding those lands would bring the total for 1340/41 to 10,161 acres and for 1396 16,652 acres, and this still leaves a number of "lands," "places," and so forth of unknown size. An imperfect survey in the early fifteenth century contains an additional 1,141 acres of demesne let out to tenants, not included in the earlier rentals (B. Bk. E, ff 1–22). As for breakdown by type of land, the language of the records presents a problem. The 1340/41 rental makes no clear distinction between free, customary, or other tenures, although clearly some of the tenants held by freehold; for example, John son of Robert, John of Hedworth, and Robert Fraunceys held five acres in Nether Heworth for one pound of cumin and

the land of Hugh Colstan in Hedworth owed half a pound of pepper (*Bursar's Rentals*, 34, 36). In the 1396 rental, it is at least possible to separate the tenures into 1,898 acres of free land (*terra libera*) and 592 acres of demesne, leaving 10,321 to 14,849 acres of other lands, many of which would have been customary lands. All this is in addition to the demesne farms kept in hand. All Priory free lands were listed in the *Feodarium Prioratum Dunelmensis* of 1430, and while some of these lands were part of the bursars' villages, the tenants were not necessarily under his jurisdiction.¹¹

It is difficult to compare the Priory main estate as depicted in the rentals with the bishopric estate, except in lands that were neither specifically free nor demesne. The bishopric customary lands alone are a third again larger than all the "other" lands on the Priory main estate; if these are combined with the exchequerland, the total is over twice that of the lands in the Priory that were undesignated in the rentals. A comparison with Kosminsky's work is impossible, since the amount of demesne land that the bursar controlled is not stated. The one conclusion that can be drawn is that the mix of demesnes attached to villages and the use of demesne farms (or manors) indicates a complex estate structure dedicated to providing for the house. The bursars used a mix of direct cultivation, rents in kind, tithes, and purchasing to supply the monks. The ratios of demesnes or tithes in hand versus leased changed over time as the bursars sought the best balance possible (R. Lomas 1973; Threlfall-Holmes 2005; Dodds 2005b). Durham Priory had a complex tenurial and agricultural plan, and the management of the main estate and its changes over time reflect this.

ESTATE ADMINISTRATION

These great estates did not simply run themselves; constant attention was required to administer and manage them. The human elements of the estate—the tenants in the vill—also required management and assistance. Perhaps surprisingly given the scale of the estates, senior officials constantly were involved and in touch with manorial and village officers.

Chief Officers: The Bishopric Estate

The steward was the man primarily responsible for the administration of the bishopric estate and for much of the Palatinate's secular business. His official brief was broad: "the governance and regulation of all men and tenants . . . both in peace and in war" (PRO DURH 3/32, m 1). The steward naturally was a member of the bishop's council, and often served as a justice in Durham. Many stewards held other posts as well, and those who were

clerks could look forward to continued preferment in the administration as well as in ecclesiastical circles (Lapsley 77–80; Larson 2000, 35–38). These were men of power and experience, capable managers of men and lands, with major connections to the wider world of late medieval England. They themselves often were members of prominent northern gentry families, providing them with extensive connections and networks to draw upon. Men such as Sir Thomas Gray and Sir Ralph Eure (or Euer) served in positions such as members of Parliament and as Justices of the Peace in neighboring counties, and filled other roles in royal service as well (Rawcliffe 1992a; 1992b). The steward's powers as administrator of the bishopric estate were no less broad; yet despite the high post, the men who filled the office were very familiar with the situation out in the townships, personally going on tourn thrice yearly to hold the bishopric halmotes. The steward had the last word on remissions of rent or the level of a fine, and it is easy to understand why many peasants should distrust him, if not hate him outright. Some men held the office for a year, or less, while others, such as Gray and Eure, served for extended terms. Their long tenures added stability to the estate and its administration.

The other major palatine officer of particular import in the functioning of the bishopric estate was the coroner. The coroner's centrality as a seigniorial officer may come as a surprise, as in most of England the coroner was a royal official responsible for investigating deaths and overseeing those felons in sanctuary or who wished to abjure the realm. The coroner in Durham performed these roles, and more, and it may be a mistake to consider seigniorial and palatine/royal duties as being separate. There were four coroners in the county, one for each ward, appointed by the bishop. In addition to the standard duties of the coroner, these men acted as bailiffs with wide-ranging and ill-defined duties. They collected the rents of the free tenants and were responsible for lands vacant in the bishop's hands (CCB B/50/1–4).¹² They retrieved fugitives, aided in the array of fencible men, and made arrests and distrainments.¹³ Because of this, they frequently were prominent participants in the bishopric halmote courts. They had very little authority on the Priory main estate beyond investigating deaths, with the Priory bailiffs performing the other duties.

The stewards and coroners were the only non-manorial personnel to figure prominently and frequently in peasant life in the bishopric, and the peasants undoubtedly saw far more of these men than they wished. However, the bishops themselves require inclusion in this discussion. The steward sometimes referred tough questions and unclear points in the halmotes to the bishop and his council. Even the lowliest of his tenants could gain an

audience with the bishop, if he were in the county, and a collection of eight letters from the pontificate of Walter Skirlaw (1388–1405) shows the bishop receiving humble suitors and personally hearing business on minor matters, such as an extension on a few pennies rent. For example, John Fysshere and Lawrence Robinson of Wolsingham sought a pardon of rents and amerce-ments respectively on account of their poverty, and Skirlaw sent an order to the collectors of that village to see that this was done (CCB B/23/1/34). The tenants of Middridge received an extension until Candlemas to pay what they owed, and Skirlaw informed the Constable of Durham that he had pardoned John Lewyn for cutting down trees in Coundon (CCB B/23/1/26, 66). With the possible exception of the tenants of Middridge, the sums at stake were not large, only a few pennies; nevertheless, Skirlaw heard and acted on these requests, sending out sealed orders or instructions to the collectors, Constable, Auditor, and others. The bishopric peasantry could have held their lands of a far worse series of lords.

CHIEF OFFICERS: THE PRIORY MAIN ESTATE

The upper levels of the administration of the Priory main estate differed from the bishopric (Halcrow 1949, 5–13; R. Lomas 1973, 8–12, 27–28; *Rites* 78–83). The administration of the estate was wholly an internal affair, directed by the monks. The bursar and terrar were the chief officers, and together their estate duties were similar to those of the bishop's steward. The bursar was responsible for much of the day-to-day functioning of the estate. Monks usually served as bursar for only a year at time, although there seems to be no limit on how often they could hold the office. The terrar, an older monk who usually had served as bursar earlier in his career, had more of a supervisory role, and it was not unusual for him to remain in the office for several years. The two obedientiaries worked together very closely, and their exact roles cannot be disentangled. Both always sat on the Priory halmote courts and displayed a solid knowledge of local conditions. Priors often took great interest in the minor details of the estate. At times, the prior himself presided over the halmotes, and frequently lowered or forgave fines imposed by other officers. Laymen did have a role in the Priory estate, albeit limited and subservient to the obedientiaries. There was a steward, usually a gentleman or knight from a local family. The Priory steward sat at the halmotes but did not preside. Perhaps the steward's role was to keep order, or maybe to be on retainer for administrative or local political duties; it also is possible that the office was a sinecure, a way for the Priory to maintain friendships with local families. In addition, laymen filled the ranks of bailiffs and sergeants

on the estate. These men oversaw the operation of the Priory demesnes and lordship farms. However, the bursars kept them on a tight rein, frequently forcing the bailiffs to operate the manors in debt because the bursars were reluctant to provide cash. In both cases, it is clear that the direction for the estate—legal, economic, administrative—came from the monks themselves (Halcrow 1949, 4–5).

Thus, the major officers, and even the lords, of both estates were in close contact with the ordinary villagers, and were well informed about local affairs and conditions, something that is quite unexpected, and not only because of the size of each estate (cf. Dyer 1985, 2–3). This was definitely a two-edged sword for the peasantry; the administrations could be charitable and negotiate deals when other, more distant lords might refuse to compromise, but the administrations' excellent knowledge of local conditions made ruthless and calculated exploitation of the estate easier.

Village Officers

Of equal or greater importance in this study are the village officers, because, unlike the steward or bursar, these men split their loyalties between the estate and their village.¹⁴ The vill, or township, functioned as a typical medieval corporation, represented by its jurors or its reeve, suing and being sued as a whole.¹⁵ The vill had a variety of facets and was far more than a simple estate or settlement unit. It would be inaccurate to classify the village officials simply as lord's lackeys or village leaders, as their position relative to lord and village shifted constantly. These men mediated between lord and village, and which side they chose at a given moment greatly influenced subsequent events. Their role in the tug of war between lord and tenant often determined the overall tenor of that relationship, and a refusal to cooperate with either side could have dramatic consequences. These men almost always are found in the forefront of any resistance to the lord(s) in Durham, and as has been proven repeatedly, the same was true throughout England. The villages in Durham had many officials common to villagers elsewhere: ale tasters, constables, and rent collectors, for example. Their duties in Durham did not differ from what has been described for other manors and estates, and they did not play the most significant roles in village dynamics in Durham, so they will not be covered here. Instead, the focus is on the key players in the late medieval Durham drama: the reeves, the jurors, and the pinders. These were men who straddled the divide between village and estate, and who took (or had forced upon them) the leading roles in the debate over the direction of the village community.

The Reeve

The reeve (*prepositus*) was the chief official of the village, with duties and obligations to his lord and his neighbors. These obligations in Durham were similar to those found elsewhere in England, and so will only be summarized briefly here. For the lord, the reeve directed the villagers in the upkeep of communal structures and organized them for work services due at the lord's mill and demesne. He levied distrains, arrested malefactors, made presentments at the halmote courts (usually a function of the jury elsewhere in England), and supported other officers in their duties. In addition, he often served as head juror.¹⁶ Thus, the Durham reeve had the role of supervisor of other officials in addition to his own duties.¹⁷ At the same time, he was also a leader in the village, acting as the village headman. These roles combined to make him the primary intermediary between village and lord, sometimes with the other jurors, but frequently alone.

Despite attempts to generalize about reeves in England, scholars have found a sometimes bewildering array of customs and regulations regarding the status, election, and power of village or manorial reeves.¹⁸ In Durham, the villages "elected" their reeves; although the records are silent on exactly how this selection was conducted, the villagers had a strong voice in the choice of reeve. On the eve of the Black Death, there were no apparent limitations on time in office. Most men who held the office were personally free, even though they held customary lands and suffered from the disabilities inherent in that tenure. Many of the reeves held more than fifty acres of land directly, and often leased large amounts of demesne land or exchequerland, too.¹⁹ The elite families of the village supplied the majority of office holders, many of whom served on the jury before and after their election.²⁰ The office was never completely monopolized, as outsiders or poorer villagers sometimes held the office. However, this was rare. Richer men were more attractive candidates to both the steward and the villagers. They had the social power to control the villagers and execute the bishop's wishes, at least most of the time. These were good managers of men and land, and had ample experience in court. Men such as these were quasi-professional administrators and the demands of the position limited the number of possible candidates.

Holding the office was not always a pleasant situation. The appearance of being on good terms with the lord might provoke animosity from the other villagers, as could perceived partiality when dispensing favors or punishments. Nor were enmity or bitterness the only causes of resistance to a reeve's demands, as villagers frequently ignored his summons to work or to convene when it suited them. The lord directed his displeasure at the reeve if the village failed in a communal obligation or trespassed as a

community. Many reeves must have felt trapped between the lord and the villagers, struggling to walk a fine line to satisfy both. However, the long terms of service and the near absence of refusals to serve under normal circumstances underline the desirability of the office. Elections for reeve were held only rarely, and as the same man continued in office for years at a time this implies that tenure in office was for as long as the reeve wished (R. Lomas 1973, 47; Larson 2000, 45–47).²¹ Many families saw themselves as the natural leaders of the vill, with the office of reeve as their right and obligation. This demonstrates the importance both of the opportunity to distribute patronage and the obligation to act as a leader.²² Some men did try to buy their way out of the office, but this only occurred in time of crisis. For most of the latter half of the fourteenth century, men were content, or even desired, to serve.

The Jury

While we would not normally consider them officials akin to the reeve, the jurors (*jurati*) played a central role in the estates that extended far beyond judicial affairs. They were required to be knowledgeable about the day-to-day and extraordinary affairs of their townships and to advise the administration accordingly. Together with the reeve, they were the eyes, ears, and mouth of the village for the lord. Without them, their knowledge, and their cooperation, the estate officials faced an enormous task simply to maintain the functioning of the estates.

Three to five men represented each village as jurors at the halmote court sessions (and possibly in other activities as well). The presentment of offenders does not seem to have been an important function of the jury, although they sometimes did so or made reports on specific instructions. The jury did not function as capital pledges or tithingmen, either, as the frankpledge system was unknown in Durham (Morris 45). The jury did determine damages, inquire into facts, advise the court, and deliver occasional pronouncements on custom, but it is unclear whether it functioned as a trial jury as well.²³ As with the reeve, the jury served on behalf of the lord and their village. When the village as a whole leased land, or was involved in litigation with a third party, the jury often represented the village. There is no evidence for the selection of jurors, with no regular election process recorded in the halmote courts; jurors usually served for long terms, often until death or retirement, and “elections” of new jurors was a rare occasion under abnormal conditions. The position tended to remain within families but was not purely hereditary; grown sons did not always succeed their fathers, yet it was not uncommon for father and son

to serve together. The jurors usually hailed from the village elite, forming what George Homans called the aristocracy of jurymen.²⁴ If the reeve was the village headman, the jurors were the village elders. They were still peasants, some of free status and some not. Although the jurors worked together and had common interests, they quarreled and feuded as well; alliances shifted constantly, and there was no simple demarcation based on wealth or standing. In this way, the jury functioned as a barometer, reflecting the response of the village as a whole to internal and external pressures. They represented the village in more ways than one, and their lords did not hesitate to listen to their advice when trouble was brewing.

The Pinder

The pinder (*punderus*) was responsible for the village pinfold or pound, keeping animals taken as strays or distrained by other officers in the course of their duties. He often acted as the village herdsman, looking after its animals as the villagers worked in the field, and assisting in folding the animals as part of the agricultural cycle. He was closely connected with enforcement of village bylaws through his presenting of villagers whose animals strayed. He also had custody over the tenants' grain during harvest season, and at times the records refer to him as a *messor* or hayward as well. There is no evidence that either existed separately from the pinder. The pinders were more likely to come from the lesser ranks of the tenants. Unique among the village offices, the pinder was connected with a specific tenure (*punderland*), which the pinder held in return for his service and for various food rents. Unless he surrendered the holding, a man held the tenure for life just as he would any other customary tenure; many pinders' surnames were Punder or a close variant thereof. The men who held the land had to fill the office, and the administration seized the holding back from men who failed to keep their obligations.²⁵

Since animals would have counted for much of a peasant's wealth, many tenants saw the pinder as a coercive agent of the lord's will, especially since both administrations could be very insistent that each village have a responsible pinder and a sound fold. The tenants often were opposed to this aspect of seigniorial control, and either refused to appoint a pinder or attacked the man who dared to perform the office. Rescue from the pinder is the most common offence against a village or estate officer, and many tenants took it upon themselves to retrieve impounded corn and animals. Though the reeve may have felt the pinch of being caught between lord and tenant, for the pinder that sting was far more often physical than metaphorical.

TENURE AND SOCIETY ON THE EVE OF THE BLACK DEATH

While the administration and village officers may not be altogether very different from what most historians consider as typical for England, the same is not true regarding personal freedom and forms of tenure in Durham. This situation seems to be a holdover from the Anglo-Saxon period. There is a bewildering variety of tenure and a tripartite social division of free, less free, and unfree based partly on land and partly on personal status.²⁶ The great age and the various liberties possessed by the two estates complicate any discussion of tenure in Durham. Both estates had considerable control over all their lands, even free land. Those free tenures ranged from tiny plots of land to collections of villages; the services owed varied as well, and many free tenures owed services and dues that were considered servile elsewhere. These lands were free because the holder could alienate the property at will (although a license often had to be purchased); the burdens were generally less than on customary land, although many freeholds owed work services, and some even owed heriots (which customary lands did not owe). Customary land, over which the lords claimed complete control, was the direct opposite. Bishops and priors considered *all* customary land unfree and held “at the will of the lord,” and they sometimes referred to those lands as being *de jure ecclesie*.²⁷ Except for inheritance, there is no evidence for any conveyance of such land outside of the halmotes.²⁸ The lords enjoyed the power to displace tenants and to change rents and services, although in practice they rarely exercised this power. Rents and services had been relatively fixed since the twelfth or early thirteenth century, the land was *de facto* heritable, and all tenants (except serfs) could leave at any time.²⁹

The salient feature of Durham tenure was that it had never been connected with personal status. Most tenants of customary land were legally free men, not serfs. In the rest of England, personal status commonly mirrored tenurial status; villeins and serfs held unfree land, and most holders of unfree land were serfs and villeins.³⁰ Some regions contained tenures that fit between the free and unfree, such as *gavelkind* in Kent or the *conventionarii* in Cornwall, but many of these were more distinctions of tenure than of person (Miller and Hatcher 117–120).³¹ In Durham, there was a clear differentiation between a man or woman’s personal status and the type of land he or she held. This distinction was old, as the Durham records employed words and phrases in specific senses that differed from usage elsewhere; this is not surprising, as shire and manor had different meanings in Durham as well. The earliest source for the customs of Durham is *Boldon Book*, the aim of which was to record the “fixed rents and customs” of the bishopric, but

excludes those who held by knight service (*Boldon Book* 11). The scribes of *Boldon Book* used terms such as *villani*, *cotmanni*, *malmanni*, and *firmarii* to denote groups of men by tenure, not to indicate personal status; this use of tenurial terms to denote standard units of lands and services is similar to the concept of the knight's fee. Although *villanus* would later take on the meaning of "villein" with unfree connotations, at that point it meant little more than "villager," or perhaps more precisely, the amount of work owed for the holding.³² For example, there were eleven and a half *villani* (*xi villani et dimidius*) in Stockton, and in Houghton we find "half cottagers" (*dimidii cotmanni*) (*Boldon Book* 18, 34, 54). In later records, *bondus* (or *husbondus*) and *bondagium* replaced *villanus* and *villenagium* as tenurial terms, again with no personal connotations. *Bondus* and *bondagium* were the terms used in northern England and Scotland to denote the standard village holding, equivalent to the villein and villein tenure, before the taint of servility (Britnell 2004a, 232–234). Perhaps the native terms resurfaced after the post-Conquest reorganizations had ended, or because *villanus* was acquiring connotations of servility (Hilton 1965, 18–19; Dyer 1980, 104–105).³³ Dyer notes that most English contemporaries would have equated "bond" or "bondsmen" with serf (1996, 278), but there is no implication of personal status at all in Durham. Though similar early records for the Priory are lacking, both administrations used the same terms in their later fourteenth-century records, and a similar usage and evolution seems certain. Although possessing a plethora of terms to describe tenures, both estates lacked a terminology to describe the tenants other than by the tenure they held; officials addressed their directives either "all tenants" or to "the entire village," or else to holders of bondlands, holders of cottages, or holders of exchequerland. The emphasis was always on the type of land held, independent of the tenant's personal freedom or lack of it.³⁴

PERSONAL STATUS

Information on personal servility in Durham before 1349 is sparse precisely because of that lack of terminology for personal status. Some tenants on both estates were unfree, but there is no indication of their numbers relative to free peasants. The greater number of estate records beginning in the middle of the fourteenth century permits a more detailed examination of personal status, however, and what emerges is a system of personal freedom quite different from what we would expect.

The peasant population of the bishopric and Priory estates are divisible into three groups: the serfs, called in Durham *neifs* (*nativi*), free tenants

of free land (*liberi tenentes*), and a very large group for which no adequate term exists then or now. The administrations may have classified the latter with the free men, as they certainly were legally free. However, the scribes of Durham almost never described those tenants as being free in the same way as they identified tenants of free land, who were usually personally free. In addition, this middle group possessed a few of the disabilities from which the free tenants were released, and they shared a number of traits with tenants in ancient demesne. Even though these groups are not so different from the rest of English peasant society, the differences are clearer in Durham, and aid in understanding fully the shifting relations between lord and peasant after the Black Death.

The Nativi

On the bishopric and Priory estates, the neifs formed a minority.³⁵ They appear to have been more numerous on the Priory main estate, but even there they cannot have comprised more than a fraction of the tenantry—likely less than twenty percent after the Black Death.³⁶ The Durham neif was comparable with the English serf in terms of disabilities and legal rights. The neif was defined by birth; he could not leave his village without license and could own nothing, holding his lands and goods only at the will of his lord. Those who left were liable to arrest and forcible return (PRO DURH 3/12, ff 67v, 121v, 134r, 136r).³⁷ Even when other customary tenants held their customary lands heritably and for life, some neifs continued to hold “at will because [he is] a neif” (*ad voluntatem quia natus*), and those who acquired a freehold lost it when their lord discovered it. Even their chattels were not legally guaranteed (Halm. Rolls Summer-Autumn 1420, Spring 1421). Only manumission freed a neif permanently.³⁸ The temporary alternative was *albanaria*, a purchased license permitting him to live away from home. The price of such partial freedom varied from 6d. to 10s., but it had to be paid annually and in person, forcing the neif to recognize continually the powers of his lord.³⁹ As in the rest of England, the term *nativus* (or *rusticus*) possessed great shame and opprobrium. In the summer of 1378, the bursar issued an injunction to the tenants of Wolviston that they should not call one another by those names under pain of a 20s. fine, the highest potential fine usually reserved for the most incorrigible offenders, brawlers, and footballers (Halm. Rolls Summer 1378).

However, the reality of serfdom usually was far different from the theory. Except when the records identify them as such, neifs differed little from their freer counterparts. The Priory upheld its strict control over

the neifs sporadically, enforcing the regulations every few years to remind the neifs of the Priory's rights but generally letting them be. Many neifs held land for life or by lease for a term of years and passed customary land through inheritance in the same ways as free men and women.⁴⁰ In village politics and economics, neifs are indistinguishable from the mass of the peasantry, serving in village and estate offices. Several families were among the economic upper class, and their status did not seem to impinge upon their social standing with any regularity. Neifs may have been given first refusal of vacant lands, though this may have been more the lord's interest in having a controllable tenant. They were excused certain dues, as a female neif who married a neif was not obliged to pay a marriage fine. All this did not outweigh the many disabilities heaped upon them; in times of economic or political pressure, Priory officials were quick to enforce the burdens. However, the social realities force us to recognize that these men and women were more than helpless pawns utterly dominated by their lords and neighbors, and that serfdom was not always an important factor in shaping actions and ideas.

The Other Customary Tenants

Since the neifs comprised only a very small proportion of the customary tenants, how do we classify the other customary tenants, who were neither neifs nor "free tenants?" The contrasts with the neifs are immediately clear and help clarify this group's status. First, these other customary tenants were considered personally, legally free, as demonstrated by numerous inquests where the verdict returned clearly indicated that the man in question was free and not a neif. The juries declared these men to be "free and of free condition and of free status and not a neif of the said lord," as unambiguous a declaration of freedom as was possible (Halm. Rolls Summer 1375, Summer 1376).⁴¹ As free persons who held customary land, these men and women lacked many of the disabilities of the neifs. They could move freely about the fee or leave it at will.⁴² The lords could not force them to return if they left. If they owed anything to the lord, their goods and chattels could be distrained to force payment, while if they owed nothing, the lord summoned them to the next court to defend their right to the land or risk losing the land to someone else. Their lords lacked any substantial coercive power over their persons; the only claims the bishop or prior could make were based on tenure.

Yet these men were segregated from the free tenants and held to be of lesser status. They paid merchet and leyrwite, two traditionally "servile" dues, and Hyams has argued that merchet was the most conclusive proof of villein status in England (Hyams 1980, 187–190). At the time of the Black

Death, they held their lands “at the will of the lord,” as did the neifs, and they could only use certain courts. They performed weekwork and other customary labor. These disabilities enumerated above are consistent with standard villeinage. Table 3.2 below delineates how these tenants related in terms of rights and disabilities.

The logical conclusion is that the difference was tenurial. By holding customary land, the free customary tenants did not lose their freedom, but they lost some freedoms. Yet this does not make sense in terms of personal status. If they left the estate, the law considered them free men with all the normal rights; yet somehow by holding customary land on those estates they lost those rights but not their absolute freedom. To confuse matters further, if a free tenant held customary land, he lost none of his rights. The only conclusion that fits these convoluted facts is that free men who held only customary land formed their own special category. Perhaps an additional social distinction existed between the free tenants and the free customary tenants, and the apparent similarity with Anglo-Saxon England is striking.⁴⁴ Elsewhere in England, most of this middle group supposedly lost their freedom and amalgamated with the serfs. Hyams argued that this was a byproduct of Common Law developments, and that the division between free and unfree was sharpened

Table 3.2. Comparison of Personal Status in Durham.

	Neifs	Other Customary Tenants	Free Tenants
Legally free?	No	Yes	Yes
Type of land usually held	Customary	Customary	Free
Able to hold free land?	No	Yes	Yes
Able to leave village?	No	Yes	Yes
Have to pay merchet?	Yes ⁴³	Yes	Sometimes
Have to pay heriot?	No	No	Sometimes
Able to use courts other than halmotes?	No	No	Yes
Able to convey land outside of court?	No	No	Yes
Liable to arbitrary seizure of goods?	Yes	No	No
Ever referred to as <i>liber</i> outside of neifty inquests?	No	No	Yes

based on access to royal courts (Hyams 1980). As property assizes developed, peasants sought to use those to challenge their lord's limitation of their property rights, forcing the courts to sharpen the division between free and unfree to limit access to those courts. Although the legal history of Durham is not clear in this regard, it may be that different legal dynamics meant little to no chance of any such legal redress for the peasants. This left them at the mercy of their lord regarding tenurial rights, but it also meant that there was no legal drive to enlarge the numbers of serfs. While this gave the lords greater rights over land, it did not translate into greater power over persons.⁴⁵

Where, then, does all of this leave Durham on the eve of the Black Death? The administrations of both estates were closely attuned to what was happening "on the ground" thanks to their involvement in the halmotes. Those same courts exemplified a meeting of seigniorial and peasant, both in terms of business and in culture. As for the peasants, the social structure was complex, with the customary tenants dominating the villages. On the bishopric, this was compounded by a diverse tenurial scheme, often varying by village; the Priory had a simplified system. Overall, the situation was complex, with a host of flash and tipping points present. Considering the estates on the eve of the Black Death, many potential trajectories are possible for each estate thanks to the sheer amount of variety already present. Much depended on the peasants. Would the few *neifs* make a unified bid for freedom, or hope to continue their slow amalgamation with the other customary tenants; and how would the latter seek to improve their own situation? Would the peasants work together, or would they pursue individual paths? Just as much depended on the lords. How much change would the bishops and Priory be willing to tolerate, how much would their own desires and aims influence, modify, or even squash peasant actions? There had been some divergence already on the two estates, but there is no clear indication that any outcome was likelier than any other. In terms of social dynamics, the Durham village community was strong and yet weak, containing areas for potential conflict as well as cooperation.

Part II

Chapter Four

Durham and the Black Death, 1349

The Black Death arrived in England through one of the southwestern ports in June or July 1348. By November it reached London, and in the following year it spread through all of England. The chroniclers of the time are of little help in establishing the scale of the epidemic, favoring apocalyptic hyperbole often copied from previous accounts. The basic textbook assumption is that between one third and one half of the English population perished in the first outbreak of plague. Russell put the national rate at twenty percent (367). However, subsequent studies have disputed both his figures and his methods (Titow 1969, 66–72; Hatcher 1977).¹ The major obstacle to understanding the complete effects of the plague is the uneven mortality rate among differing socio-economic and occupational groups. Historians therefore have turned to measuring a sample of different population groups. For example, the death rate for beneficed clergy was around forty percent, and for tenants in chief, only twenty-seven percent (Hatcher 1977, 21–22). Yet these groups were better off than the peasants and urban poor; they lived in better-constructed homes, could flee to other areas when the plague came, and had access to medical help, such as it was. For a more perfect understanding of the fearsome mortality, historians turned towards the peasantry, who made up the majority of the medieval English populace. Even here, however, the calculated death rates vary widely. For the peasantry, Levett thought a death toll of over one third was too high, based on her research on the tenants of St. Albans (80–81). For the manor of Lakenheath, Bailey estimated that about one third of the tenants died in 1349 (1995, 7). For the lands of the Abbey of Halesowen, Razi calculated that about forty percent of the tenants died in the initial outbreak of the plague (1980, 101–107). Poos's data for Essex suggest a rate of forty-five percent among peasant tithingmen (1991, 107). While they omitted 1348/49 from their study of Winchester heriots,

Postan and Titow estimated tenant mortality was nearly fifty percent, and overall was higher still (170–171).

One problem with studies of plague mortality among the peasantry is that the data generally derive from peasants who held land directly of a lord. It is far more difficult to ascertain the mortality rate among non-tenants (the families of the tenants, the landless, and the urban poor). Many of these men and women would have lived in squalid conditions with poor nutrition; with such weak immune systems, the Black Death should have scythed through their ranks with heartbreaking ease. As direct data on these groups are lacking, demographers have resorted to indirect methods. The most popular revolve around the replacement of dead tenants by other family members or by the landless, who are assumed to have formed a substantial population reserve. In Halesowen and St. Albans, nearly all vacant tenancies filled quickly after the initial outbreak (Razi 1980, 110; Levett 248–255). Given the quick recovery, England must have been overpopulated to the point where starvation and malnutrition were common if not endemic (Titow 1969, 67–96). However much of the English population died in 1348–49, the survivors thought it a catastrophe, the judgment of God for all manner of sins.

THE BLACK DEATH IN DURHAM, 1349

News of the Black Death reached the North before the disease did (Ziegler 144–146). Despite knowledge of the desperate fear rife in the South, there was little apparent panic or reaction in Durham before the arrival of the plague, contrary to Ziegler's observations (149). Activities continued normally, and the first of the surviving bishopric court records begin with the plague apparently in full force. It likely entered Durham from the southeast of the county, as that region lay directly on the main land route and possessed important local ports (Bradshaw 211). By July, the plague was raging all through the county, and yet, the bishop's steward was holding the halmotes as usual; presumably the same was true for the Priory halmotes, although the records have not survived. By that autumn, the fury of the "first pestilence" (as the Black Death was known in Durham) had abated, or at least had become accepted, as references to the plague as ongoing disappear. But the ramifications had barely begun.

Although local and estate government continued functioning, the response of the peasantry was less sanguine. The agricultural system and the whole manorial economy were tested severely. The Priory could not find buyers for its grain tithes, though simply having tithes to sell meant that the harvest had been taken in. The grain output the following year was less than

it had been a decade before, but given the fluctuation in harvest yields, there is not necessarily any correlation with the Black Death (Dodds 2002b, 18–19). The crisis in the manorial system was not simply a problem of vacant lands. Many tenanted holdings were under-cultivated, and many peasants were unwilling to invest time and labor on their lands when faced with the likely possibility that they would not be alive to reap the harvest. Even in the summer of 1350, a year after the plague, only fourteen of the twenty-three bondlands in Boldon were seeded to satisfaction (PRO DURH 3/12, f 35v). Some peasants fled, like the neif William Kyd, who slipped out of the vill of Sedgefield in the middle of the night along with his entire household, possibly with help of his neighbors (PRO DURH 3/12, f 3v; Horrox 1994b, 284). He was not alone, and tenements vacant because of flight lay alongside those vacant from a tenant's death. William's status dictated his midnight flight, but other peasants left their villages openly. Although the majority of the tenants remained in their villages, they refused to take up any new lands. While the plague was raging, peasants specifically refused to fine for lands "on account of the pestilence" in some bishopric villages. In Houghton-le-Spring, the peasants emphasized their solidarity in this matter "until God should bring a remedy" (PRO DURH 3/12, f 2v). Reactions such as this occurred throughout England. Some fled in fear of the plague, and others took advantage of the confusion to leave the estate. Those who stayed may have been fatalistic; why take up new lands, when Death might come before they could be enjoyed?

Death had indeed come for many Durham peasants. The precise effects of the pestilence in Durham are hard to determine, but no region of the county was left unscathed, and in some areas the population was wiped out, or nearly so. Using lists of deceased tenants compiled by Durham Priory, R. Lomas estimated that slightly more than half of the tenants died, with the rate at different villages varying from twenty-one to seventy-eight percent (1989, 129). Piper found that fifty two of ninety of the monks of Durham Priory perished, approximately fifty-eight percent (157, 159–160). The mortality rate for the Priory estate lies at the high end of those estimated for England, and an overall Durham rate of fifty to sixty percent seems acceptable. Comparable data for the bishopric estate are lacking, but based on court activity and the reaction of the tenants, the effects were similar in scope and scale. All the tenants in one village perished in the plague. While this was extreme, several villages suffered severely, and West Thicklely was reported as being all but empty (PRO DURH 3/12, f 18r). For the bishopric, entry fines (the fee paid by a new customary tenant when taking up holding) present the best available data for mortality. In the autumn of 1349, the halmote clerks

recorded seven hundred eighty such fines, and from the summer of 1349 to the summer of 1350 (a total of four halmote tourns) there were one thousand, one hundred twenty-five entry fines (Britnell 1990, 31). Even if there were considerable engrossment of holdings, which does not appear to have happened on the bishopric estate, the mortality rate was high. As the estate was more than twice as large as the Priory, even after allowing for tenants with multiple holdings this should be sufficient to accept a similar mortality rate among tenants.

The pestilence showed little regard for wealth, status, gender, or age in Durham; the Priory lists reveal that the hand of death lay upon all types of tenant, men and women, from the wealthiest tenants to the poorest cottagers. There is no evidence and thus little reason to believe that the mortality of non-tenants differed significantly. It should not be far off the mark to posit an overall rate of approximately fifty-five to sixty percent for the *prima pestilencia*, while acknowledging that it could be slightly higher or lower. The immediate and continuing problem of vacant holdings confirms this above-average mortality among tenants and non-tenants alike. There is only limited information about who took the vacant tenements on either estate. Many vacancies were filled immediately, despite a widespread reluctance to do so while the pestilence raged. Much of this occurred late in 1349 or early in 1350, while the plague hibernated during the winter. The Priory recorded £46 18s. 9d. in court income from one tourn in 1349 (Bur. acs. 1348/49). In the fall of that year the bishopric tourn levied fines and amercements totaling just over £260 (PRO DURH 3/12, f 22r). Much of this came from entry and marriage fines, indicating that many peasants were establishing new households. Such elevated income was due solely to the disaster, and was not to last. The replacement of tenants was slow and incomplete, even with this early surge. R. Lomas concluded that only two thirds of vacant Priory tenements had been re-let by the time the Priory had compiled its lists of dead tenants (1989, 112–116). This replacement rate is considerably lower than on other English estates; a high proportion of peripheral holdings and assarts might have influenced the willingness to take up the land (R. Lomas 1973, 29–36). This catastrophe compounded an existing economic and demographic slump in Durham, and it is likely that Durham contained no significant landless population in the early fourteenth century (Dodds 2005a, 182). Research into the Durham land market confirms this, as T. Lomas described the land market before the Black Death as “slack.” The market would have been more active if there had been any landless or under-landed population (1976, 131–138). R. Lomas thought “the

plague struck an estate considerably weakened by a previous disaster that had left it without the degree of a surplus population necessary for a quick recovery" (1973, 30); war, famine, and economic privation had initiated a decline before the Black Death had even arrived in Europe.²

Poverty was a problem for tenants on both estates.³ Bishopric tenants refused to take new lands on account of their poverty, and halmote fines were reduced or pardoned altogether "because s/he is poor" (*quia pauper*). Poverty in medieval society was not straightforward, however, even leaving aside the Franciscans and Dominicans who embraced poverty and turned it into a religious ideal. In discussing the poor and attitudes toward the poor in fifteenth century England, Rubin noted that "[m]edieval people . . . encountered a considerable degree of complexity when forced to define the category of poor. The definition depended on context" (169). In medieval court rolls, that context often related to sustainability rather than actual poverty. In her study of the St. Ives Fair court rolls, Moore found that many of the men and women forgiven fines because they were paupers were not so much destitute as "living on the threshold of poverty" (125). Moreover, the remission of these fines was not charity to those unable to pay, but rather intended to "[help] them move back from the threshold," making this part charity and part "good estate management" (125). This often was the case in Durham. The peasants who claimed poverty were not necessarily starving or living in rags, but at a tipping point; they had arrears piling up, they were losing money, and without some relief they might not be able to maintain their tenuous grip on subsistence. For these peasants, the situation was not yet hopeless, but it was dire.

The effects of the plague in Durham were immediate, visible in lord-peasant relations as well as in the strain on the village communities as the peasants struggled to cope with the demands of their lords and the exigencies of survival. Bishops and priors tried to force and cajole their existing tenants into working the vacant lands with mixed success, and struggled with the peasantry over the direction of the village and manorial economies. The village itself became a hotly contested space. The actions of the bishopric and Priory in the coming decades all centered on controlling both the land and the village communities, and the peasantry had its own visions of how vill and estate should work. These struggles transpired against a background of an extended population and labor shortage.⁴

“Oppressions and Extortions:” The Seigniorial Response to the Black Death, 1349–1357

THE FEUDAL REACTION IN ENGLAND

Overall, the English manorial economy and system survived the Black Death. It is even possible to consider the initial plague as a positive purgative, arguing that the plague served as a quasi-Malthusian check on the burgeoning English population. With the tenantry devastated, the previously landless and land-poor were able to take up the vacant holdings, removing many from the constant threat of starvation. Despite fears over rising wages in all sectors that resulted in the Ordinance and Statute of Labourers, seigniorial incomes did not suffer significantly, and many estates resumed functioning normally only a short time after the plague. Plentiful land and an increased demand for labor led to an age of prosperity for the peasantry, and Bridbury deemed the period immediately following the first outbreak of plague an “Indian summer” for both lords and tenants (584). The demand for land remained high, despite increasing entry fines, and so the land market remained favorable to the lords (Razi 1980, 110–112). As Hatcher pointed out, “[o]ne of the most striking features of the thirty and more years following 1348 was the resilience that the agrarian economy displayed in the face of recurrent plague” (1977, 32). These sentiments are equally applicable to the English populace.

That remarkable resiliency masked a number of immediate problems. The most urgent involved the increasing wages charged for agricultural work. The Black Death here had struck a double blow. The plague killed off

a substantial portion of the workforce, and the devastation of the tenantry further reduced the labor pool; the many appealing tenurial vacancies siphoned away men who previously served for cheap wages. The effects were immediate. In the 1350s, average agricultural wages rose about twenty percent relative to wages of the 1330s and 1340s, and continued to rise (Farmer *passim*). To combat this, Parliament enacted the Ordinance of Labourers in 1349, followed in 1351 by the Statute of Labourers. These acts artificially set wage rates to pre-plague levels, required idle hands to take any work offered, and made it difficult for workers to switch employers (*SotR* I, 307–313).¹ The enforcement of these acts was not always easy; many employers broke them, hiding the illegitimate wages through creative accounting. Despite their many coercive tools, for many lords the payment of illegally high wages was the only way to stay afloat, and manorial accounts provide ample evidence of the ingenuity that lords used to hide excessive wages (Hatcher 1990, 20–25). Despite theories of social order and extra-economic coercion, there were distinct limits to seigniorial abilities to trump market forces.

The situation grew grimmer because the plague became enzoötic in England. Because of this, fresh outbreaks among humans occurred repeatedly. Many of the outbreaks were localized, but some, such as the “Children’s Plague” of 1361 (so called because many of the victims were children) were more widespread, with additional outbreaks in 1369 and 1375. These continued outbreaks raised the overall mortality even higher. Coupled with a declining population replacement rate, a dangerous population and economic decline ensued.² After the second major plague outbreak in 1361, vacant tenancies became a ubiquitous problem. Lords throughout England now faced both a labor and tenant shortage. Some lords responded through coercion and exploitation, which historians have termed a “feudal” or “seigniorial” reaction. Lords demanded more services and dues. They reversed commuted labor services or employed new ones, and sought to curb peasants from seeking better lordship and lands elsewhere. Many of the demands were neither new nor illegal, but had long lain unused because in better times they had been unnecessary. Now, lords found them necessary once again. A few lords went further and claimed rights and dues contrary to custom. The monks of Westminster Abbey, for example, demanded that their tenants on certain manors perform the usual customary labor *and* pay the rent that the tenants had more recently paid for the commutation of that labor. Those tenants now owed double what they had before, with little remedy, and similar situations may be found elsewhere (B. Harvey 259). Based on events such as this that support general theoretical models, Hilton and other historians have assumed that these feudal reactions represented the normal course of

events in post-plague England, as part of the "crisis of feudalism." There are indications that such oppression really was sporadic and limited, due among other factors to competition for tenants and laborers (Britnell 1990, 28; Bailey 1995, 18).

Focusing solely on the need for income and an assured labor supply obscures a crucial facet of the worsening seigniorial situation: the eroding culture of deference. The English peasantry had been increasing their independence from the lords, even before the plague, mostly in economic arenas. In the "Indian Summer" after the Death, many peasants in England enjoyed increased incomes (or similar incomes with less effort) and a better standard of living, and possessed considerable freedom in choosing how to run their holdings and market their produce. In the pre-plague days of high population and low wages, the lords could afford and even encourage such independence, as they could easily find new tenants. The depopulation of the countryside drastically altered the economic system, unbalancing other aspects of the manorial system. The poet of *Piers Ploughman* perceived the very culture of authority underpinning the manorial system to be in jeopardy, as peasants acted, ate, and dressed above their station. In the eyes of the lords, their way of life, the entire social order, was at stake.

That was perception. Quite some time passed before the situation became serious and the lords took action to curb the growing independence of their tenants. The feudal reaction in England, such as it was, took time to develop, and most lords did not even dream of the reaction as an attempt to return to full serfdom. The eroding culture of deference that so worried the English seigneurie was not predicated on domination over serfs; it worked perfectly well over free men. The lords sought to enforce feudal dues, buttress their status, and, most importantly, fill vacant tenancies. Most English lords did not automatically choose the most oppressive option as their immediate response; overtly oppressive tactics were not useful tools for every occasion and were more likely to be counterproductive. Had they been successful, or had the plague not recurred, the harsher aspects of the feudal reaction may never have occurred. Only the failure to maintain tenant levels coupled with increasing labor costs led eventually to a more antagonistic peasantry and scattered attempts to resurrect high serfdom in the name of economic stability. The feudal reaction rarely involved new burdens, but instead was a collection of attempts to impose older ones at terms disadvantageous to the peasantry.³ By and large, the feudal reactions failed. The change in population and economy ruled out a return to older ways of management. Perhaps a more important line of questioning concerns shifts in the balance of power from before the plague to after the feudal reactions.

THE IMMEDIATE CRISIS IN DURHAM

Most of England reached the crisis point in lands and men only in the late 1370s; the bishop and Priory faced it immediately. While the problems in Durham were long-term, in the immediate aftermath of the pestilence the problem was acute. Death, sickness, and flight had left many lands without tenants. The bishopric records provide the best evidence for the years immediately following the *prima pestilencia*, and later evidence from the Priory estate indicates that similar situations occurred there as well. Whole families had died. Survivors feared death or were too poor to take up new lands. Some tenants abandoned their lands as well, such as the aforementioned William Kyd. His flight was marked particularly because he and his family were *nativi*, serfs, but he was not the only one to run. However, real flight began some years after the pestilence, with bishopric peasants fleeing more because of economic distress than any fear of the plague. Thomas Wattisson fled his tenancy in Byers, going to the Priory village of Shincliffe, and the bishopric steward ordered the coroner to return Thomas to pay his arrears. Thomas eventually returned and swore to repair his tenement, pay his rent starting the following March, and reside there with his family starting in November (presumably after the completion of repairs). In exchange, the steward forgave the arrears (PRO DURH 3/12, ff 115–116, 156r; Britnell 1990, 32–33). The bishopric records are full of memoranda and proclamations regarding tenants who had fled; however, few of these are noted as having returned.

The disaster of the pestilence was not limited to those who died. The increasing number of tenants lacking the strength or resources to work their lands troubled the bishop gravely. In many cases, Sir Thomas Gray seized the lands of those deemed incapable of working the lands, a practice used for some time in Durham (Britnell 1990, 33–35). For example, in Heighington, the steward seized the lands of Robert Cok, Robert son of Ralph, and Thomas de Wyndelo because the jury judged them incapable of working their lands (PRO DURH 3/12, f 5r; Britnell 1990, 36). The next several years witnessed many such instances, with two women stripped of approximately three-fourths of their lands (PRO DURH 3/12, ff 53r, 127v; Britnell 1990, 34). Presumably, steward and jury had qualms about seizing the entirety of their holdings, leaving them with the amount that they could work themselves. As late as 1360, the court was judging men as unfit to maintain their lands. The halmote books never provide the exact reason why the court declared these tenants unfit. Some may have been sick, possibly from malnutrition or disease in the wake of the plague. Others were simply

old or poor, or lacked family or servants to assist them in working the land. For whatever reasons, their continued tenancy was perceived to be a liability both to the lord and to the village community.

This facet of the bishopric administration's policy is highly revealing of the administration's overall attitudes towards land and people. Turning out tenants for the sake of proper management seems absurd when so much land was already vacant due to deaths among the tenantry. With the decline in population and the attempt to maintain the agricultural status quo, a live tenant, even if weak, was surely better than no tenant at all. The bishop's steward did not see it this way. The use of this practice in the current situation demonstrates an overriding concern of the administration to see the land not merely tenanted, but properly worked. These cases usually stated that the holder was *impotens*; and while often this was linked with age, the term also covered those who were sick and weak, or those simply too poor to farm effectively. Such tenants could not work the land properly and exploit it to its full potential, causing a drop in the lord's immediate revenue. Thus, when the steward gave the coroner an order to distrain all the fugitive tenants from Ricknall and Killerby "wherever they might be found 'twixt Tyne and Tees," he deliberately excluded those who were *impotentes* (PRO DURH 3/12, f 151v; Britnell 1990, 40). The need for competent tenants overrode even traditional claims to land. William son of Peter of Easington claimed a large tenancy there as his right, but lost the land to John son of Robert of Shadforth because the jurors declared that William was not able to work the land or fine for it (PRO DURH 3/12, f 57r). This practice signaled a long-term view of the dangers of poor management and cultivation. Lands not kept in good heart, with buildings falling into disrepair, declined in value. Consequently, a lord would find it even harder to convince tenants to take those lands, and years of farming with considerable investment might be required to return those lands to proper efficiency. The bishop and his administrators were taking a remarkably rational, long-term view in the midst of a terrible crisis, even though they could not have known that these problems would afflict both estates for decades to come.

While the cost of these un- or under-worked lands was great in terms of lost rents and renders, the bishops and priors faced other financial hardships. With declining population went declining markets to sell produce from the lords' demesnes and fewer agricultural products received as rent and tithes. Dodds has calculated that agricultural output on the Priory estate did not return to pre-plague levels of production anytime in the rest of the century. Even production at seventy-five percent of the 1340 rate was not reestablished until 1357, and after this brief glimmer of hope, production

soon declined once more (2002b, 15). Revenues from the court also suffered after the initial boom. Fewer people meant fewer fines, and poorer tenants meant that estate officers had to discount many fines, if they could collect them at all. Seigniorial dues declined for the same reasons. The large number of new land takings and marriages in the years following the pestilence inflated court receipts beyond what was normal, but in the long term, courts and feudal dues as sources of revenue declined in value. While not always readily apparent to the modern observer, the lords were under no illusion as to this fact. Although today we interpret this in terms of numbers and the bottom line, medieval lords were lords of men. They counted lordship in this currency and not in silver pennies. The loss of so many men was keenly felt in Durham, and the lords struggled to make do with what they had.

Lords and merchants all over England felt the pinch of rising wages and too few workers, and a similar labor shortage faced the lords of Durham. Bishop Thomas Hatfield wasted little time implementing the laws regarding labor in his bishopric. He appointed a commission to enforce the Ordinance of Labourers in June of 1349, and had the Statute copied into his chancery roll (PRO DURH 3/30, m 5d, 6d; 3/31, m 5; Britnell 1990, 29; Bradshaw 214–215); although there is no formal record, the Prior of Durham took similar steps to enforce the statute. No records of the bishop's commissions survive, but the bishopric halmotes enforced the Ordinance and Statute. For example, in 1353 the steward fined Stephan Geryng of Cornforth 6d. because he "removed the servant of Robert Kyrkeman from him, contrary to the Statute" (PRO DURH 3/12, f 89r). Poos has argued that ordinary peasants used the Statute as a tool for social control in the communities (1983). In Durham, this was certainly true. Although not overwhelmingly numerous, the halmote litigation from the 1350s consistently described tenants "extracting" servants from the service of others. As with vacant lands, the labor shortage was also a long-term problem. The Black Death and subsequent demographic and economic crises generated a volatile situation, but in the end, the actions of lords and peasants created the histories of post-plague England. For the 1350s, only events on the bishopric are visible to us, but those same records reveal incredible tensions and changes in social relations in the wake of the plague.

THE "FEUDAL REACTION" OF BISHOP THOMAS HATFIELD

Britnell examined the feudal reaction of Bishop Thomas Hatfield, identifying the themes and methods of the reaction and the relationship between bishop and tenants, and then used these to explore the choices available to

both bishop and peasants and the ways in which the decisions of the latter affected the options available to Bishop Hatfield (1990). He observed that this feudal reaction "was imposed with exceptional force and created a great deal of unpleasantness . . . [b]ut in the end, the feudal reaction was only an opening position" (46–47). Laid out with exceptional clarity, this analysis of events on the bishopric and its emphasis on negotiation between bishop and peasant serves in large part as the inspiration of the present study; many of the ideas and factual observations about relations between Bishop Hatfield and his tenants in the 1350s presented in these chapters were originally published in that article. I have modified some of these ideas and rejected others, based on my own research into this period and the rest of the fourteenth century on both estates, but that is only to be expected in the enlargement of such an important study.

The topic is worth re-opening, not to reject Britnell's work, but to enlarge upon it by placing these events in a broader context in Durham so as to permit further investigation of the roles of lord and peasant. The first step in doing this is to examine the feudal reaction and response in more detail, investigating the various elements and the ways in which they were interconnected in the minds of bishop and peasants. A fresh examination of this sort would take advantage of subsequent research into lord-peasant relations in medieval England, and at the same time draw on observations and analyses of the bishopric and Priory for the rest of the fourteenth and early fifteenth centuries. This lays the foundation for a deeper look at the interplay of officers and tenants; as Britnell noted, the bishopric peasants had three responses to Hatfield's program: acceptance, rejection, or a mixed strategy (30). What they chose, when, why, and how fed back into the decisions by bishop and steward. Furthermore, I am broadening the study to add more emphasis onto relations within peasant communities; this analysis reveals the troubles within the peasant community, in particular the ways in which village officials such as reeves and jurors were caught between the demands of the bishop and the demands of their neighbors. All this will help explain subsequent decisions by Hatfield and his successors, as well as provide a context and contrast for later events on both the bishopric and the Priory main estate.

The result is the establishment of a new chronology for reaction and resistance. There were phases in bishopric policy as well as in peasant resistance to those policies, culminating in what may be called a peasant "movement" that forced a reorientation of seigniorial policy and decisively altered lord-peasant relations. This chronological approach, supported by quantitative analysis, helps identify a number of turning points, the most significant

coming in 1357 and then another in 1359. This approach in turn allows for an alternative reading of critical decisions and events, which leads to some different conclusions about the nature and path of the feudal reaction and the ways in which the peasants cooperated and resisted. Britnell concluded that the feudal reaction “had largely collapsed” by the 1380s (46–47). If there was a collapse, it came in 1357 and 1359, but the idea of collapse is problematic. The feudal reaction did collapse, but seigniorial authority remained strong. It might be better to say that the bishop reoriented his priorities to looking forward rather than backward. By doing so, Hatfield and his successors successfully managed to retain authority over the tenants and some initiative in seigniorial policy.

Although the chronology is possibly best defined by peasant resistance, a more natural starting point is with the reaction itself, the policies and decisions that drove the peasants to resist; but it must be kept in mind that their history is inseparable. At the close of 1349, the bishops faced a crisis revolving around land and people: vacant lands, and people with the capability to deny their lord’s powers willfully, by ignoring or disobeying orders, disputing rights and dues, running away, and demanding ever-higher wages. This had the potential to be a crisis of authority more than of economy. There was no surplus population, none of Bridbury’s “pullulating throng” to provide a cushion into the 1360s and 1370s (584–590; Dodds 2005a, 182). For the peasants, Durham’s “Indian Summer” appears to have been brief, and this helps to explain Ziegler’s puzzlement of why a county struck late by the Black Death was the first to show signs of unrest (149). The challenges to seigniorial control occurred earlier than in the rest of England, and these were far graver threats than finding tenants for vacant lands. Consequently, Hatfield began his seigniorial reaction almost immediately after the Black Death, albeit in an *ad hoc* manner. We do not know whether the bursars of the Priory estate took any sharp action; later evidence appears to indicate that they did not. The lord bishop of Durham, armed and emboldened with his regalian powers, had the best position to act of any lord in England save the king. His actions may come as a surprise.

THE PROBLEM OF VACANT LAND

Bishop Hatfield’s steward, Sir Thomas Gray, initially attempted to entice tenants into taking up the empty lands by lowering entry fines or rents. Initially, the situation did not look so bad; more than eight hundred entry fines were recorded in 1349, with almost nothing else recorded in the halmote books (Britnell 1990, 31; PRO DURH 3/12, 2r–25r). This was an incredible rate

of new takings of land, as in 1400 there were less than two hundred entry fines recorded. Presumably these were at the usual rents and services, as little more was recorded than the size of the holding and the entry fines. The entry fines varied. For a bondland, a common entry fine was 13s. 4d., while for other arable lands the steward might charge a shilling or two per acre; good pasture could command up to 6 d. per rod. Some of these were paid in full, but many of the notations in the book indicate only partial payments.⁴ Gray did lower some rents, but he offered the most lucrative reductions mostly for mills or demesne lands, and while buttressing the manorial economy this would have been of little help to most tenants. Furthermore, such generosity was grudging. On both the bishopric and Priory, officials displayed a preference for retaining the old rent in the terms of a demise, while pardoning or reducing the rent if necessary on an *ad hoc* basis. Essentially, Gray accepted a lower, market rate while retaining the right to claim the higher, traditional rate. New commutation of labor services and other renders was explicitly temporary and sporadic, and often allowed only to individual tenants or tenements.⁵ The bishopric administration did not limit these bargains to new tenants; even tenants taking up their family's main holding benefited from cheapened rates, a clear indicator of competition for tenants. Sir Thomas occasionally allowed some men, such as one Roger Broun, to take land despite being unable to find pledges, after the village jury gave their approval (PRO DURH 3/12, f 2r), and the jury frequently stood pledge for new tenants. Despite these measures, there was no guarantee that a tenant would take up the entire holding. John son of Makand of Coundon fined for only part of his father's holding; he would take up the rest later if he were able (PRO DURH 3/12, f 46v). The steward was retaining or finding tenants, but the results hardly could be termed a smashing success.

The problem of vacant land remained unsolved. Potential tenants begged off because of "poverty." The jurors of Boldon complained that the entire vill was so poor that no one was able to pay their rents (PRO DURH 3/12, f 35v). In 1350, the tenants of Cassop claimed to be "most miserable" (PRO DURH 3/12, f 44v). Such was the acuteness of the problem that the administration was willing to break custom if a capable tenant would take the land, emphasizing the continued dearth of tenants. For example, in the autumn of 1353, the steward offered the lands in Bishopley held by a fugitive and felon first to his wife and then to the rest of his relatives if any of them wished to take it (none did), "although it is not permitted for his near blood to have a right because of the felony" (PRO DURH 3/12, ff 93r-v). Elsewhere in England, increasing income from better lands offset the difficulty in finding tenants for marginal lands. In Durham, the better lands lay vacant

at times, and the lords could not let out lesser lands even at rock bottom rates. Rents and entry fines were falling across the board (T. Lomas 1984, 307–308; R. Lomas 1973, 121). In 1350/51, Durham Priory reported £290 12s. 7¼d. in arrears and decay of rent for that year, a sum that would rise to £454 18s. 3d. by 1360 (Halcrow 1949, 353), and based on the impressions of the halmote books, the bishop faced similarly grim losses.

The bishopric policy seems contradictory. On the one hand, it was hard to find tenants, but on the other hand, many of Gray's concessions were grudging. In truth, this is a result of the steward's knowledge of local conditions. Negotiations were based not only on the overall balance of power (favorable to the peasants because of the need for tenants), but also on what Gray knew of the individual villages or tenants. These were not bargains made with communities, but with individuals, and sometimes Gray could use this as leverage. There may have been times when tenants assisted Gray; solidarity was not a given in medieval England. This collusion also appeared after Gray began forcing villages and tenants to work vacant lands.

THE IMPOSITION OF CUSTOMARY LANDS

The bishopric administration's first truly oppressive move was to shift the burden of finding tenants for vacant lands from the bishop's officers onto the village communities (Britnell 1990, 33–38).⁶ A similar device was used at St. Albans (Levett 254), but most English lords looked for other methods, possibly because they lacked the strength to enforce such an unpalatable policy. Sir Thomas now required the bishopric "communities of the vill" to work the vacant lands; they paid the traditional rents corporately, but were not responsible for entry fines as they did not receive the right to those lands. At first just an expedient stopgap, this soon became official policy. Although they began immediately after the plague, impositions figured prominently and frequently from the winter of 1350–51, after the initial rush to take up vacant land was over. The jurors of Carlton declared that William de Elleton of Long Newton was a neif, and Gray ordered that he be captured and taken to Hartburn to work the land of Adam Dobbe, who was incapable of working the land; until de Elleton was taken, Gray required the other tenants of the vill to work the land. By the next summer, de Elleton had yet to arrive (PRO DURH 3/12, ff 113v, 121v; Britnell 1990, 38; Horrox 1994b, 330). Because no one in Hardwick claimed to be capable of taking new lands, the steward committed the vacant lands to the entire village, and the same happened in the quickly dying vill of Ricknall (PRO DURH 3/12, ff 16r, 75r).⁷ In Easington, Gray commanded the tenants to lease the vacant cottages to

their servants or anyone else without a house, and if they failed to do so by the next court session they were liable to pay the rents themselves (PRO DURH 3/12, f 81v; Horrox 1994b, 329).

Although the administration never abandoned the policy of thrusting land onto village communities, by the spring of 1352 the steward definitely preferred placing the burdens on groups or individuals seen as financially and experientially capable of working and managing further lands. The husbandmen of Chester-le-Street agreed to lease the demesne lands and meadows there for £20, unless someone could be found to take it for more; there was hope that the Dean or Sheriff might be willing to do so (PRO DURH 3/12, f 161r; Britnell 1990, 46). These fortuitous individuals were none too pleased with these additions to their portfolio. Although Gray gave these new tenants the opportunity to fine for the land according to custom with full rights, most refused and so he thrust the lands upon them "until another wishes to fine for them." William Gunson, a neif of Ryhope, so received half a bondland to work until he was willing to fine for it, which at that time he refused to do (PRO DURH 3/12, f 45v). Akris of Whessoe was given a bondland, and the steward forced John Hannsard and Peter de Hessewell the coroner to stand as pledges (PRO DURH 3/12, f 15r; Britnell 1990, 35; Horrox 1994b, 284). In Sedgefield, Thomas of Carlton, also a neif and who ought to have held a full bondland, fled. Until he returned, voluntarily or not, the steward demanded that Thomas's pledges work his land (PRO DURH 3/12, f 45v; Horrox 1994b, 328). Likewise, William Bacon was a fugitive neif said to be capable of working a full bondland in his home vill of Ryton (PRO DURH 3/12, ff 79r, 154r, 161r; Britnell 1990, 40; Horrox 1994b, 329). The halmote books restate the order to recapture him repeatedly (all in vain), eventually providing the true reason for the manhunt: "he is rich" (PRO DURH 3/12, f 161r). In some cases, the steward granted the vacant lands to small groups of tenants. In the autumn of 1351, the steward committed three bondlands to Thomas Eme and his associates, but in the following spring the court was told that they had refused to hold them (PRO DURH 3/12, f 62r; Britnell 1990, 41). In 1355, the "whole village" of Sedgefield chose eighteen men to work the five vacant bondlands there. Later that year in that same village, the steward seized a bondland from a woman deemed too infirm and committed it to those who did not hold land in the village but pastured their beasts there (PRO DURH 3/12, ff 128v, 149v).

Besides forcing a return to normalcy, the rationale for shifting the burden onto individuals was that both villagers and estate officers perceived the chosen tenants as working less land than they could; this was a natural extension of the policy of taking land from those considered to be unable to work

it properly. The steward, coroners, and bailiffs all would have known the situation sufficiently well to make informed choices, but the unwelcome decision also fell to the village juries. Although they cooperated by picking out men who could take the land to save the entire village from sharing in the burden (Britnell 1990, 36–39), such cooperation may have been under duress and possibly caused resentment toward the steward. As for those men chosen by the juries, they regarded their new holdings as a liability and resented the imposition. However, although the village officers and juries certainly played a role in the decisions, the tenants' ire was directed against the steward who had forced the land upon them and not against their collaborating neighbors. The Pechmilne at Lynesack was assigned to Richard son of John, John Horne, and their associates through the "coercion" (*ex cohercione* [sic]) of the steward, who required them to pay a "reasonable" rent from the profits (PRO DURH 3/12, f 77r; Britnell 1990, 38). When Gray assigned four cottages in Easington to the tenants there, the halmote clerk described the holdings as being "thrown upon the tenants" (*iactentur super tenentes*) (PRO DURH 3/12, f 61r; Britnell 1990, 36). The practice was so noisome that even the supposedly seigniorial record of the halmotes reflected the idea that the lord was burdening the tenants unusually excessively.

Sometimes, the steward and jurors chose neifs to work the vacant lands. The jury of Norton declared William son of Gilbert capable of holding a bondland, and the steward subsequently committed the holding to him to work and pay its farm until he wished to pay the fine to hold the land (PRO DURH 3/12, f 157v). There are several reasons why neifs such as these men were such popular choices. To begin with, their status required them to remain in their villages, giving the bishop immense control, albeit over a small proportion of his tenantry. Second, despite their social and legal inequalities, many were relatively well off, even "rich" like William Bacon, and possessed the expertise and the resources to farm the extra land better than many poorer tenants. Although the pledges of fugitive or potentially fugitive tenants stood to lose financially if the tenant left and did not come back (Britnell 2004a, 432), the constant emphasis on peasant hardship would render such pledges less effective. After all, if Gray did succeed in imposing a monetary penalty, and if the family or friends could even pay, that could drive additional tenants away, the last thing Gray wanted. Although imposition put neighbor against neighbor, it also relied heavily on community spirit and neighborliness; little else seemed a good guarantee against flight. The pledges of those who fled rather than accept the imposed lands may have found themselves responsible for working the land until the fugitive was caught, no doubt as an incentive to help bring that about.

Gray could not or would not dispose of all vacant lands through imposition, however. The reasons for this may have included a well-grounded fear of provoking tenants already complaining about impoverishment. Whatever the reason, Gray realized early that he would be unable to fill many vacancies, and so he sought to protect and exploit these lands so that no one could take advantage of them. In the summer of 1350, he issued a proclamation prohibiting tenants from pasturing their animals on lands in the bishop's hand. Additionally, the coroners, reeves, and collectors received the power to demise these vacant lands as they could for the year (PRO DURH 3/12, f 35r). Given the small population, there were no quick solutions to the long-term problem of empty lands. In the short term, the bishop and his officers used all the means at their disposal to keep those lands in cultivation, or at least to reap some small income from them. These short-term policies provided some temporary amelioration of the sad situation, and gave the officials a little more time to formulate effective policies to deal with the empty lands.

PENNYFARM

Fears that current tenants might leave their lands compounded the difficulties in finding tenants for the vacant lands, and forced a compromise with the peasants. The latter may not have been dirt poor and some of their claims of poverty were exaggerated, but in general they were having a difficult time. In the face of all the existing and potential problems revolving around land, the administration increasingly was willing to cut deals to keep land tenanted in the long term. In negotiations with the peasants, a monetary fine recognizing the bishop's rights sufficed to satisfy seigniorial principles. Leases beneficial to the peasants carried numerous clauses and caveats allowing for the resumption of old customs or forms of payment whenever the bishop chose. This was often the case of leases at *pennyfarm* (literally, "money payment"). When a tenant accepted land at pennyfarm, most works and renders were commuted and combined with the rent into a single fixed rate for a number of years. The Priory also gave wide permission for this practice for the first time, as commutation of works and leases at pennyfarm begin to appear in the Bursar's Accounts; prior to the Black Death, such leases were all but unknown in the rolls. In the years immediately following the plague, the Priory clerks entered these leases under the heading *varia recepta* ("miscellaneous receipts") instead of under the headings for regular rents. This classification indicates that the bursar saw this practice as a temporary measure that he could rescind when the situation improved (Bur. acs. *passim*).⁸

Neither administration intended for these practices to become permanent, believing that they could stabilize the situation and return their estates to normal functioning.

For the moment, however, the situation called for compromise in arranging the terms of landholding for tenants who did not flee, and both sides drove as hard a bargain as they could. In the spring of 1350, the steward closed a deal with Thomas Shephird of Sedgefield regarding half of a bondland. Thomas was to hold the land for three years at pennyfarm, and "if this should please the lord bishop," Thomas would continue to hold the land under those terms. If the arrangement should not prove pleasing to the bishop, the lease would revert to the usual terms, and Thomas would owe works at the manor as with the other tenants. This potentially advantageous arrangement appealed to the other villagers, and the steward chose to grant the other tenants of Sedgefield the same deal, also for three years. The concession burgeoned, with the husbandmen of Cornforth securing the same terms for all of the vacant land in their township (PRO DURH 3/12, ff 51r-v; Britnell 1990, 44). In 1354, the tenants of Stockton consented to take the vacant lands at pennyfarm, on the condition that the bailiff of the manor, Richard Stere, should not take more from them for their works (PRO DURH 3/12, f 113v).⁹ The generous terms of these leases did not satisfy everyone. The tenants of Heighington, Ricknall, Middridge, and Killerby refused to hold their lands at pennyfarm except at the rate of 12d. per acre, to which the steward would not consent (PRO DURH 3/12, ff 53r, 73r; Britnell 1990, 43; Horrox 1994b, 328). The steward eventually gave in to their demands, as all four villages held the land at pennyfarm in 1352 (PRO DURH 3/12, f 75r). Even this concession could not solve the tenancy problems in those villages. When the lease at Killerby expired, the tenants wanted to renew it at the same rate. However, they snubbed the bishop by refusing to provide carrying services, possibly for the steward when he came to the village as all bishopric villages were required to do; this hospitality was long enshrined in custom and written records. This blatant rejection of seigniorial rights signaled an increasing recalcitrance on the part of the peasantry. Regarding the renewal of the lease, the two sides failed to reach an agreement, and the steward ordered the tenants to work the land until the bishop was advised by his council as to what to do (PRO DURH 3/12, f 151v; Horrox 1994b, 328). Failed negotiations such as this resulted in delays and arguments over new leases.

The decision of whether to employ carrot or stick fell to Sir Thomas, who sought the advice of the juries and the lesser estate officers. The steward employed compromise and negotiation more often than forced imposition. However, it was becoming quite clear to the steward and other officers that

neither coercion nor compromise would end the problem of vacant lands. Some lands still commanded only half their normal rents, as at Escomb (PRO DURH 3/12, f 138), and even decades later one field in Easington that before had commanded 50s. was let for 13s. 4d. (Britnell 1990, 43; *Hatfield's Survey* 129). Many tenants claimed that they did not have the resources to work the lands and were on the edge of collapse, and the concessions on works and rents show that the administration thought that at least some of those claims had substance. Even were troubles making ends meet not a part of the equation, the population simply was too small to fill all the holdings, let alone provide a sufficiently large pool of wage labor. While the imposition of lands caused bitterness among the peasantry, other impositions and exactions were far more unpopular. Although striking to the modern observer, the bishop's attempt to deal with vacant lands was not the only focus of his overall program. The other policies caused far greater resentment among the peasantry.

"SERVILE" DUES

In line with reactions elsewhere in England, the bishop's officials began to focus intently on peasants who were evading the dues they owed. This began late in 1350, but would not be fully underway until 1353. Gray apparently believed that greater enforcement would lead to increased income and alleviate other problems at the same time. Suit of mill (*multure*), and the leasing of mills in general, formed a point of special anxiety. Although *multure* was not the heaviest due that English lords claimed, it was a due that most tenants owed.¹⁰ As *multure* came due every time a peasant milled his grain, the frequency of exaction made it more obnoxious than the relatively low rate might dictate. Disputes over suit of mill occurred throughout England, though rarely with the bitterness seen at St. Albans, where after years of disputes the abbot confiscated all the hand mills and used them to pave the Abbey's courtyard (Gimpel 15–16).¹¹ In Durham, tenants evaded this onerous due when they could, using other lords' mills or their own illegal hand mills. The steward ordered the tenants of Lynesack to grind their corn at the nearest bishopric mill, even though their own mill was broken. Sir Thomas Gray expressly forbade them to use Lord Neville's mill, and attempting to do so would cost half a mark (PRO DURH 3/12, f 47r). Some peasants used the bishop's mills but claimed that they were entitled to pay a lighter rate. At Hardwick, the tenants of *exchequerland* disputed the bishop's claim that they owed suit of mill, and it took several years and multiple attempts at compromise to reach a resolution and a rate of one sixteenth, lighter than the usual

rate of one thirteenth but still heavier than the rate they initially demanded, of one twenty-fourth (PRO DURH 3/12, ff 62r, 69r, 106r). Even when the steward farmed out the mill, he continued to prosecute peasants who evaded culture or claimed a lighter render. Violations could not be ignored. Suit of mill carried a strong symbolic importance, symbolizing submission to the bishop's lordship.

Merchet

Another such symbolic right was the bishop's control of land through his control of marriage. Ancient custom in Durham required most women not of the upper stratum of free tenants to pay a fine known as *merchet* when they married or remarried. A marriage fine for peasant women was common throughout England, although who paid and how much varied by region and estate. Searle described this fine as "the ultimate in needless control over the freedom of individuals," but it recognized lordship at a very common time in the lifecycle (1979, 4). Most peasants married at least once, so while the fine represented ultimate control, perhaps, it was not necessarily useless. E. Jones argued that for Spalding Priory, *merchet* was a tax on serfs (140–144, 148). Again, this interpretation avoids confronting the diverse uses and symbolism of such an imposition. In Durham, *merchet* was the clearest way to ensure that all customary tenants, and not just *neifs*, recognized their lord's rights.

There has been considerable debate over the origins and nature of *merchet* in medieval England.¹² Searle posited that *merchet* "had the function of controlling manorial land tenure and inheritance and of taxing peasant dowries for the lord's benefit," and originally applied to marriages of all levels of society. She interpreted *merchet* as a tax on a woman's inheritance, not on marriage or procreation. Instead, it was a policy concerned with control of land, and the collection of the fine related closely to control of heiresses of greater social standing. *Merchet* allowed the lord some say as to whom the woman married, as that man would become the lord's new tenant (1976, 482–486; 1979, 6, 15–38). On the other hand, Scammell argued that the link between *merchet* and control over whom a woman married is tenuous. Lords levied *merchet* because they considered peasants to be their property. This explains the servile taint associated with *merchet*, as courts in England and elsewhere used it to prove servile status (1983, 140).

This debate has focused too strongly on identifying a single origin and function that explains the due throughout England, instead of examining the varying assimilation of multiple traditions wherein context determined the primary function of the fine. The debate provides an example of how the social and tenurial structures in Durham differed from what was considered

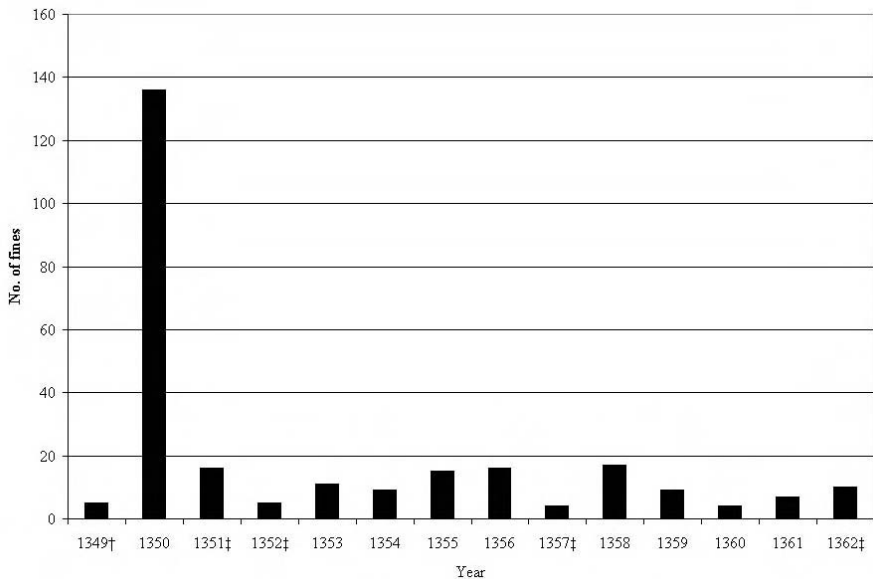


Figure 5.1. Marriage fines recorded in the bishopric halmote courts, 1349 to 1362. Britnell tabulated the bishopric marriage fines for 1349 and 1350 from PRO DURH 3/12 (1990, 30-32); I have completed the series up to 1362.

Source: PRO DURH 3/12.

† The spring tour is mostly missing.

‡ One tour is missing.

normal for the rest of England, since neither side of the debate alone works very well when applied to Durham. Scammell's emphasis on the unfree origins of merchet, where the due is a tax on people as property, is not borne out by the Durham evidence. A female serf did not pay a fine if she married another serf, while many clearly free women had to pay. On the other hand, there is little evidence to support Searle's argument that merchet served as a means for the lord to approve a woman's husband. There are no instances in Durham of the bishop or prior rejecting a marriage. Instead of adhering to only one of these theories, merchet in Durham combined aspects of both. The payment of the due recognized lordship, even if merchet did not signify that the bishop or prior "owned" the woman. There is no connotation of servility, and the due was little different from expressions of homage or fealty. These heavier fines levied on women who married free tenants or off the fee did not necessarily compensate for any loss of property, but did serve

to affirm the lord's rights. Besides this, the varying rates levied for marriages indicate that merchet in Durham had a second major function as a tax on inheritance or property. It is quite likely that merchet in most other estates throughout England combined recognition of lordship with a tax, rather than closely following the one-dimensional model of either Searle or Scammell; this makes the fine more flexible and allowed it to function in multiple roles.

This was how merchet functioned when the pestilence struck Durham. The high death toll led to an immediate surge in marriages, as shown in Figure 5.1. Post-plague marriages peaked in the winter of 1349–50, when the scribes recorded seventy-seven fines during the winter tourn (Britnell 1990, 31; Bradshaw 214); Razi found a similar trend in Halesowen (1980, 31–34). Beginning in the summer of 1350, the number of recorded fines swiftly dropped, with fewer than twenty per year recorded in the following decade; this would remain the normal level for the rest of the fourteenth century. Gray extracted what he could through merchet, and these demands constituted part of the general policy of strict enforcement and higher rates when possible, but most Durham merchet fines were small, often only 12d. Unable to demand higher fines from each marriage, and with so few marriages in all, there was little opportunity to improve the overall situation through simple exploitation of merchet fines.

The Bishop's Widows

The complex function of merchet in Durham is visible in one of the bishop's more blatant attempts to increase income from marriage fines, the creation of the *vidua domini*. Literally, this means "widow of the lord," or, following the usual bishopric usage of *dominus*, "widow of the lord bishop," or bishop's widow.¹³ The evolution of the bishop's widows exemplifies the attempts by the bishop to solidify his control over his two most important assets, land and people, as well as the swift but *ad hoc* nature of the feudal reaction. The first of these widows appeared in the spring of 1350. Of the seventy-seven marriage fines paid that tourn, eighteen were for such widows, with the fines ranging from 6d. to 20s. More than half of these fines were higher than other contemporary marriage fines in Durham. A "low" fine for a bishop's widow was often as high as normal fines for other women; for instance, a neif of Whickham paid only 2s. to marry a free woman (PRO DURH 3/12, f 25r). Rarely did the fine to marry a *vidua domini* drop below 3s. 4d., although some fines allowed the woman "to marry whom she wills."¹⁴ Over the next few years, the steward

consistently fined bishop's widows at higher rates than maidens and other widows.

Who were these widows, and why did the bishopric administration treat them differently? The records never state the answers directly, often recording only the name of the new husband. This leaves us in the dark regarding the identity and history of these widows, as unfortunately is the case for most Durham peasant women.¹⁵ Not all widows were *vidue domini*, so the term was not simply a euphemism. The first potential explanation is that these widows were *native*, and so the bishop demanded these higher fines because, as serfs, he could exploit them more easily. However, the scribes identified female neifs as such when they married, and so the bishop's widows must be classified as "free" women. While the bishop's officers showed great concern with personal status when it came time for a woman to marry, this cannot be the explanation. The first indications of the true nature come in the spring of 1352, when William of Merrington married a bishop's widow from Darlington. He did so without license, but the real reason the marriage fine was assessed at 6s. 8d. was that William's new bride held two bovates of the bishop's customary land. William was not the only man to marry a widow so endowed. In the same tourn, Thomas Othe married a bishop's widow who held a similar amount of property. For a few years, the halmote clerks took pains to list the lands these bishop's widows held when they remarried, or, in the case of Alice Coleman, the promise of the local rector to make an inventory of her first husband's goods (PRO DURH 3/12, ff 62v-66). The bishop widow was the widow of a free customary tenant who had taken up her dead husband's holdings. This was the crux of the definition; the bishop's widows were personally free, but held their land *in jure ecclesie*, at the will of the bishop (though in practice, they held their land for life).¹⁶ There were exceptions, and so it is likely that scribal error or other factors were also at work. Broadly, however, the small number of such widows supports this theory, as the number of large holdings was limited.

Since land was plentiful in Durham, why were so many suitors eager to marry these widows? First, most of these widows held standard thirty-acre holdings. These tenures tended to be old and well cultivated, and holding one all but ensured membership in the upper ranks of the customary tenantry. Second, these women probably retained the stock and implements of their earlier husbands, further enhancing their value. Finally, although these women had to pay entry fines to take up the holdings in widow-right, with apparently no change in terms, these fines were smaller than those a new tenant paid for holdings of similar size and value. The new husband did not have to pay an entry fine to move into the holding,

so long as he was willing to forgo a formal right to the land.¹⁷ When available and willing, these women were prime candidates for remarriage.¹⁸ As shown in Figure 5.2, in several years nearly as many men married bishop's widows as married all other women combined, demonstrating that even though the supply of such widows was small, the demand was high. Widowed women who did not qualify as bishop's widows had little chance of remarriage.

While the control of these women and the chance of monetary gain clearly mattered to the bishop and his officials, the ability to control prime land through them probably constituted the bishop's main concern. The bishopric administration found it difficult to find tenants for vacant lands, and some tenants were challenging the bishop regarding the terms on which they held their lands. Marrying a widow gave a man a chance to avoid paying the usual fines for new lands, so the land these widows held made the

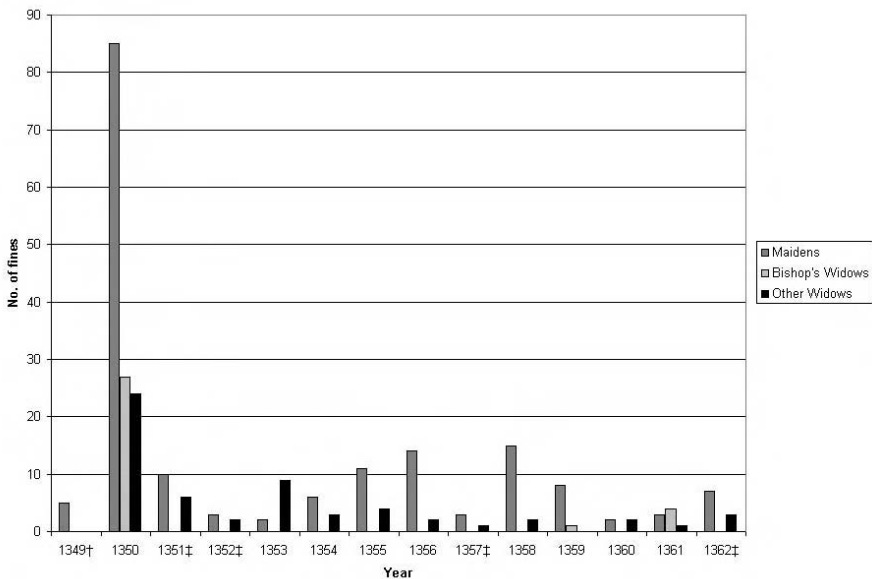


Figure 5.2. Marriage fines by category recorded in the bishopric halmote courts, 1349 to 1362.

Source: PRO DURH 3/12.

Notes: "Maiden" denotes all merchet fines in which the woman was not described as being a widow.

† The spring tourn is mostly missing.

‡ One tourn is missing.

marriage market an extension of the land market. Without the formal land transfer in the courts, it became a little easier for the new tenant to cheat the lord of dues and renders, which the bishop's administration was assiduously seeking to enforce and extract. The creation of the "bishop's widow" attempted to reinforce the bishop's control of land through reinforcing his control of women, demanding public recognition of the bishop's lordship. The timing of the creation of this new custom shows how quickly the bishopric administration reacted to the tenancy crisis as well as their foresight in recognizing remarrying widows as a source of potential profit.

This is very similar to the "inventory" of widows that Titow enrolled with the court business of 1348 for the Glastonbury Abbey manor of Brent. The "value" of each widow was based on holdings of customary lands with rates up to £80, although women too old to marry had no value entered. After 1349, no widow fetched values like that, and Titow concludes that this was because the land market collapsed (1969, 75–76). The bishopric *vidua domini* sounds very much like one of these widows, although the "value" was much lower; moreover, in Durham the practice continued. Since the land market in Durham likely was not much better, the practice continued either because the values of each widow were much closer to market levels, or because there was less resistance to the practice. In either case, the bishop's widows were not unique in England, except perhaps in longevity as a category, and they serve as another example of the flexibility and ingenuity of the steward in finding new sources of income.

OTHER DUES

Demographic and economic shifts ultimately would defeat the bishop's ingenious attempt to manipulate the marriage fines. As with entry fines, the bishop was unable to finesse the level of the merchet fines to compensate for other lost revenues. The infrequency of the due, coupled with a tenantry claiming to be on the edge of ruin, proved an ever-increasing frustration. With so much land vacant, a shrunken and impoverished tenantry, and little hope of an increase in marriages or immigration, the future of the estate looked grim. This did not stop the bishop's officials from trying, however, and their demands fell ever more heavily on the peasants.

In addition to attempts to reassert control over people and land, the bishop's officers attempted to extract as much as possible from the tenants they had, amercing and sometimes fining those who defaulted. The first few years after the Black Death saw few of these infractions punished in the halmotes; most of the entries concerned marriages or takings of land. Such

infractions become common after 1353, indicating increased enforcement (and possibly increased evasion and resistance). Ancient custom obliged villagers to provide food, hay, and lodging for the steward and his retinue when they held the halmote courts thrice yearly, or when he or other ministers came on official business. This was a minor obligation, to say the least, and it does not appear in the rentals and surveys, as it fell on the entire community and not specific lands.¹⁹ Before the plague, the steward might have considered an individual who did not contribute his or her share to have been a minor matter and simply overlooked it. This was no longer true; the smaller population made the obligation more difficult to evade, just as it meant that each person had to contribute more. As with merchet and multure, this requirement was symbolic as well as economic. It acknowledged the bishop's lordship and judicial rights as well as his power to requisition food and other items beyond ordinary rents. Thus, the steward was concerned with fining those who intentionally failed to provide their portion, as this denied the bishop's rights. An example of this is Richard Emmyson of Hartburn, who "did not wish" to prepare food when the coroner had come on the bishop's business; his amercement was 12d., double the customary penalty (PRO DURH 3/12, f 113v). If the wording of the halmote books is to be believed, this was not simple negligence, but outright refusal, and could not be tolerated or excused; that Richard "did not wish" to prepare food was not a legitimate excuse. In addition to the requirement to provide food and lodging to the bishop and his officers, the bishop's officers forced those peasants whom custom or tenure required to provide carriage on the demesne for various items—wood, wine, stone, and the like—to do so when convenient for the estate. Why pay carters when the tenants could do it for free? Those who failed to show up for labor services, whether on the bishop's demesnes or at the local mill, were amerced. Encroachments on the bishop's lands, taking of the bishop's resources, and trespass in the bishop's fields were presented and amerced.

Gray enforced the Assize of Ale assiduously. Gray further targeted those who sold bad ale or sold ale in secret, and especially those who were not paying their fines. Sometimes the jurors openly claimed "custom" to defend their actions, as happened in Stanhope in the summer of 1353:

It is presented [to the steward] that for two years the jurors concealed a brewster [from the Assize of Ale]. They claim that the said brewster was attendant upon them without needing to pay an amercement to the lord bishop. And upon this the said custom now is abolished. (PRO DURH 3/12, f 71v).

The custom was not illogical, and it likely had been customary for the brewster who supplied the court to be exempt from the regulations. The steward accepted their argument and acquitted them of wrong, but the jurors, and the rest of the tenantry, learned just how ephemeral custom could be. Although the amercements for the Assize were little more than a tax in Durham, it represented regular income that the bishop could ill afford to lose. Many of those who broke the Assize, including brewsters and brewers who lacked sealed measures, may have gone unnoticed before the plague when times were better. This was true for many such offences and customary dues; individually, each had been far less important before the plague, and the bishop's officers could afford to overlook many infractions. Now, such leniency was no longer possible.

THE DEMAND FOR LABOR

By far, the most contentious aspect of the feudal reaction in England touched upon the most hated, and therefore most delicate, burden upon tenants: the requirement to provide free labor to the lord. Not only did this reduce the amount of time and effort that a peasant could apply to his own land; it also meant that a peasant lost his own labor when he needed it most, at harvest-tide. In 1349, at least some of the bishop's manors still employed customary labor, although to a limited extent (*Hatfield's Survey* 200–259 *passim*; Bradshaw 212–214).²⁰ On the typical Durham manor, such as the Priory's farm at Pitlington, a small permanent staff of *famuli* such as plowmen and dairymaids performed the routine work in exchange for wages in cash and kind, and undoubtedly favors (Dodds 2000). Such a staff was found on bishopric manors as well (*Hatfield's Survey* 200–259 *passim*). When work on the manors required large amounts of labor, the bailiffs used wage laborers and the customary labor of tenants to supplement the *famuli*. Durham peasants owed labor services that Miller and Hatcher considered "heavy," as most owed two days of weekwork or more, but the bishop and prior seldom demanded weekwork, even in the early fourteenth century (Miller and Hatcher 123). The bishopric and Priory bailiffs regularly employed customary labor services other than weekwork well into the fifteenth century, and references occur even in the sixteenth century. The exact frequency of service or commutation is indeterminable.²¹ In 1345, customary labor provided all of the harvesting at Westoe on the Priory estate, and that summer's halmote court detailed the services due from a holding in Ferryhill. Two years earlier, the bursar had employed customary labor at the manor of Billingham alongside wage labor.²² As late as 1339, the bursar had

used weekwork at his manor of Pittington for manuring the fields (Halcrow 1949, 97). Mainly, both bishop and bursar allowed their tenants to commute weekwork, and instead used certain seasonal works on a regular basis.²³ Customary labor was common on both estates, and rarely did a year go by without the halmote books recording an amercement for failure to perform some sort of customary service.

Given the population shortage after the Black Death, it comes as little surprise that the bishopric had to be concerned with labor services, even though only light use was made of customary labor on the bishop's demesnes; it was more of a problem on the Priory main estate, where such labor was used to a greater extent. The labor situation was complex, which further exacerbated the peasants' dire situation. On the one hand, the pestilence struck down many of the *famuli* and thinned out the wage-labor pool, increasing the bishop's need to draw on customary labor (*Hatfield's Survey* 246–247). On the other hand, there was also a decline in tenant population. Coupled with the pennyfarm deals that commuted labor services at low set rates for several years, the pool of customary labor shrank as well. For example, in the autumn of 1349, the bailiff of Stockton manor succeeded in extracting only a fourth of the usual services because of the pestilence (*Hatfield's Survey* 242). Because we lack a series of accounts for a single manor even over a few years during this crucial period, the amount of disturbance caused is almost indeterminable. However, the few manorial accounts that survive for 1349 for some of the bishopric manors indicate extraordinary disruption and intervention. Often the accounts note that the bailiffs left certain decisions to the discretion of the steward, or that something could not be accomplished because of the pestilence. The eventual solution would be to lease out the demesnes.²⁴ Early on, however, leasing was not always seen as the best solution, and it did not solve all the problems. The Statute of Labourers helped coerce the laborers, and the bishop's steward had his own means of requisitioning sufficient labor from his tenants. Bishopric officers squeezed those tenants not fortunate enough to convert their tenures to pennyfarm for labor services, primarily for hay-making and the like. The surviving manorial accounts for 1349 show the continued use of salaried, wage, and customary labor, but they also reflect the disruption that the pestilence was causing. The situation from 1350 onward was little better, as lords and peasants began to feel the full force of the mortality. In the autumn of 1350, the villagers of Hartburn, Norton, and Stockton refused to mow the bishop's demesne meadow at Stockton manor (PRO DURH 3/12, f 46r). At the manor of Quarrington, hired labor performed the reaping and other works, as the steward had excused

the tenants who owed customary labor (*Hatfield's Survey* 234). Some bailiffs, such as Roger de Tickhill, successfully exacted customary labor services but still had to pay high rates for hired labor for various tasks (*Hatfield's Survey* 211–259; Bradshaw 210–214).

Peasants likewise faced difficulties in procuring labor to work their own lands. The Statute of Labourers intensified these difficulties by restricting competition for what little surplus labor was available (Poos 1983). As a further burden, those Durham tenants lucky or wealthy enough to have had extra family members or servants owed a special tax on this excess labor, or rather a tax on the possession of, or access to, excess labor.²⁵ Bond tenants in Shadforth paid 1s. for each *famulus* over the age of 16 years, and half that for each "page" (*pagettus*) under that age, at Michaelmas. In southeast Durham, the vills of Stockton, Norton, and Hartburn owed a similar due, at 3d. per extra head, and at Hartburn at the rate of 1s. per servant (*Hatfield's Survey* 147, 168, 171, 232). Peasants found these dues particularly unwelcome because these young laborers already had to provide work to the lord, as the whole household (except the housewife) was liable to perform certain customary works. The bishop was taxing his tenants twice. Although likely of pre-plague origin, the bishop's collection of this tax at this critical time was an attempt to transfer the burden of the labor shortage onto the shoulders of his tenants. It is easy to see how the labor situation created tenant resentment. The tenants were not immune to the labor shortage. Moreover, they had to compete with the bishop for labor at a severe disadvantage; they could not offer as high wages in money or in kind, compel labor, or indulge in economies of scale. Those fortunate enough to have extra hands to help faced a labor tax. Tenants who did not have favorable leases commuting their works were pressed either for actual labor or for higher commutations, while those holding at pennyfarm worried that those favorable terms would not be renewed. Unsurprisingly, tenant resentment was peaking at the time that the many leases made at pennyfarm began to expire.

CONFUSION AND CLASSIFICATION

In order to maximize revenue and simplify the enforcement of dues, the bishop's officials launched inquiries to define who owed what and why. In one instance, the steward examined William de Coupeland, bailiff of the bishopric manor of Quarrington, "concerning the autumnal works of Sherburn, Shadforth, and Cassop" in 1356. De Coupeland listed the exact works that the peasants owed throughout the year. There was some

confusion because the custom was understood to include everyone in the household except the housewife, but did not take into account the size of household or its economic standing. To clarify the situation, Gray ordered each tenant to appear at Durham “for measuring the said works in money for the next six years.” (PRO DURH 3/12, f 140v; Bradshaw 217). The tenants of nearby Sedgefield had to do the same (PRO DURH 3/12, f 141r). In the years following the pestilence, confusion frequently arose after a tenant’s death over what to do with the lands and heirs. Men challenged the bishop over various dues and works, and claimed that their land was free instead of customary. In one instance, the jury in an inquest *post mortem* declared that they did not know whether certain lands were free or exchequerland. The bishop’s officers decided that this was only a ploy to deny the bishop his rights, and ordered the lands seized (PRO DURH 3/12, ff 108v, 133r). While most of these cases concern individuals, sometimes large groups of tenants disputed the bishop’s claims. In the village of Hardwick, a prolonged dispute arose over whether exchequermen were required to use the bishop’s mill (PRO DURH 3/12, ff 62–106 *passim*). Exchequerland differed in a number of respects from ordinary customary land, and the bishop had likely never exercised his rights to the full. Thus, these tenants took advantage of the situation to try to improve their lot. The decision returned in 1352 required them to use the bishop’s mill even though their tenures normally would have carried an exception. This did not end the dispute, and the steward continued to repeat the injunction, as the tenants instead used the mill at Blakeston “to the disinheritation of the Church of Durham” (PRO DURH 3/12, f 75r). In Whessoe, an inquiry sought to determine if the drings of Whessoe were required to attend the halmote courts to receive “right and justice” (*rectum et justiciam*) like their counterparts in Herrington (PRO DURH 3/12, f 70r; *Hatfield’s Survey* 157). Immediately following this was an inquest held at the Darlington halmote to inquire as to whether the vill of Whessoe and Haughton should participate in the election of the reeve of Darlington. A more complicated case arose in Wolsingham, where Sir John Eure, prominent Durham knight and father of future steward Sir Ralph Eure, acquired six acres of punderland. This was a customary tenure, required to render chickens and eggs at the bishop’s Exchequer. The husbandmen of the vill were upset because they were being forced to produce the said eggs and chickens. They sought remedy, and the situation was taken under advisement (PRO DURH 3/12, ff 72r, 138v, 153r). In these and many other instances, there was a continuous tug of war between tenants trying to

rid themselves of dues and an administration trying desperately to collect them.

The aftermath of the pestilence brought to light a widespread and severe problem concerning the records of customary dues and services. In at least one dispute, the bishop's officials referred back to *Boldon Book*, compiled in the twelfth century (PRO DURH 3/12, f 138v). If such usage was common, the bishopric officials were using an outdated record until Bishop Hatfield ordered a new survey later in the fourteenth century. A comparison of these two books illustrates the inadequacy of the former during the 1350s. A completely new class of tenure, exchequerland, had been created, and the pattern of tenure had changed extensively. The administration had created new rentals in the intervening period, but these were unlikely to have contained information on dues. The prosperity and general smoothness of the thirteenth and early fourteenth centuries in Durham obviated the need for an updated custumal. The pestilence threw the untidy yet undisturbed condition of tenures into confusion. While the bishop's officers tried to contain that confusion, the peasants took advantage of the situation, even challenging the veracity of records. Other times, the lack of good recordkeeping left both lord and tenant at a loss; for example, when the steward tried to commit a mill at Whickham with fishery and meadow of eighteen and a half acres to the husbandmen at the old rent, no one knew what the "old" rent was (PRO DURH 3/12, f 110v).²⁶

Given such confusion, the bishop wanted to shore up his rights over people, especially over his neifs. Although never numerous, their disabilities, namely their inability to leave their village, made them a precious commodity in this time of tenant shortage. Whereas any free man (even if he were a customary tenant) could leave his land when he wished, the neif had to remain. Many took advantage of the confusion of the time to flee, and other lords willingly overlooked the status of their new tenants. Men such as William Kyd, who fled the bishopric at night with his whole household, likely faced no question about their status elsewhere. Even when the coroners knew that the fugitives were in nearby villages, they were unsuccessful in recovering them. Britnell has pointed out that the use of coroners to retrieve fugitives was the employment of palatine officials for seigniorial ends (1990, 32–33, 40). Their lack of success shows how weak even palatine powers could be.²⁷ Even those who tried to claim freedom through legal means were a flight risk, perhaps even more so because the administration knew that they were seeking freedom. John Arowsmyth of Escomb claimed to be free even though the bishop's

council said he was a neif. They commanded him to find pledges for his body because they feared he would flee (PRO DURH 3/12, f 123v). Flight was not always the first choice for neifs, as is shown by the many serfs who first tried to claim free status through law. On the other hand, bishopric officials implicated free customary tenants as being neifs, forcing them to fight to clear their names. The bishop's chancery directed a writ to hold an inquisition as to whether Peter of Redworth, smith, was free; the verdict proclaimed his freedom (PRO DURH 3/30, m 8d). A special jury composed of the jurors from Ricknall, Heighington, Middridge, and Newton Cap swore that Hugh son of Alan of Ricknall was "free and not a *nativus*" after the coroner had slandered him (PRO DURH 3/12, f 59r). Inquests provided the clearest declaration of freedom. These inquest juries (drawn from the ordinary halmote juries) declared many men to be "free, of free condition and of free status," and usually included their ancestors in the declaration. There was no clearer declaration of original freedom, and the bishop and his officers were exceedingly loath to contradict these findings.

Until the Black Death changed the socio-economic landscape of the county, vigilance over the bishopric neifs must have been quite lax, and many had quietly become free men and women. The bishop and other lords only realized that certain neifs had acquired free lands after their deaths. The marriage of free and neif confused status even further. A Norton neif married a woman enfeoffed of a tenement in right and heredity, and the steward had to consider carefully what to do regarding that free land (PRO DURH 3/12, f 98r). Several neifs purchased permission to marry free men and women. The administration apparently had little concern over this practice. Gray only issued one license conditionally, when Isolda daughter of William of Shadforth paid to marry a free man of Thrislington and agreed to return to the bishop's demesne if her husband died (PRO DURH 3/12, f 61r). As time progressed, inquiries into status became more common, as did attempts to recover fugitive neifs. In Carlton, not only was the entire village ordered to inquire whether William Boffy was a neif; they were also enjoined to attach any "wandering neifs" who came among them (PRO DURH 3/12, f 69r). Neifs had become important to the plans for restoring his estate to its previous condition, and Gray pressured officers and tenants to achieve their return. As with the many other customs of the bishop, this was not new, but the new crisis required the administration to enforce it more rigorously.

THE CRISIS DEEPENS, 1353–57

In the year or so after the Black Death struck, both Sir Thomas Gray and the peasants he oversaw struggled. For that chaotic period, it may be too much to speak of a "feudal reaction;" seigniorial policy at that stage might best be characterized as *ad hoc*, a mix of aggressive measures but also some compromises, perhaps without any clearly formulated, long-term policy. From 1350, as the estate settled down after the plague and as Gray and Hatfield became aware of the poor condition of the peasantry, it became easier to identify the problems and craft solutions. At this point an organized feudal reaction began to emerge, one that was more targeted and in some ways attempted to involve the peasant communities. The imposition of lands onto individuals, with the connivance of the village officers, is an excellent example of this, as are the *vidue domini*. Older dues were enforced, some unofficial customs of the peasants were abrogated; however, although the central accounts for the bishopric estate have been lost, it is likely that arrears were mounting and that officials were having a difficult time collecting rents and dues.

Frustration with the lack of improvement in the condition of the estate appears to have forced an intensification of the feudal reaction around 1353. As may be seen in Figure 5.3, presentments for leyrwite intensified from 1353 onwards. Presentations for merchet also climbed at this time, though to a lesser extent. There is some possibility that the two are linked, with leyrwite as a precursor to marriage, but such a pattern generally did not occur in Durham. Instead, it seems that the steward and other officers were more diligent in their inquiries. The halmote books contain more entries for infringements on the bishop's rights and properties, as well as more presentments for broken bylaws. To judge by the records, there was a greater push for more income through amercements coupled with less toleration for infractions.

Although it seems clear to us that any such orders for more pressure originated with Bishop Thomas Hatfield, the blame would fall eventually on the ministers instead of the central authority. Bishop Hatfield himself may not have been responsible for specific aspects of the estate policy, as he was a national figure and not always resident in Durham. This does not absolve him of responsibility, as he would have sent the steward and his council letters with instructions. The bishop's council may have generated the specific policy decisions, as they dealt with many problems and questions that the

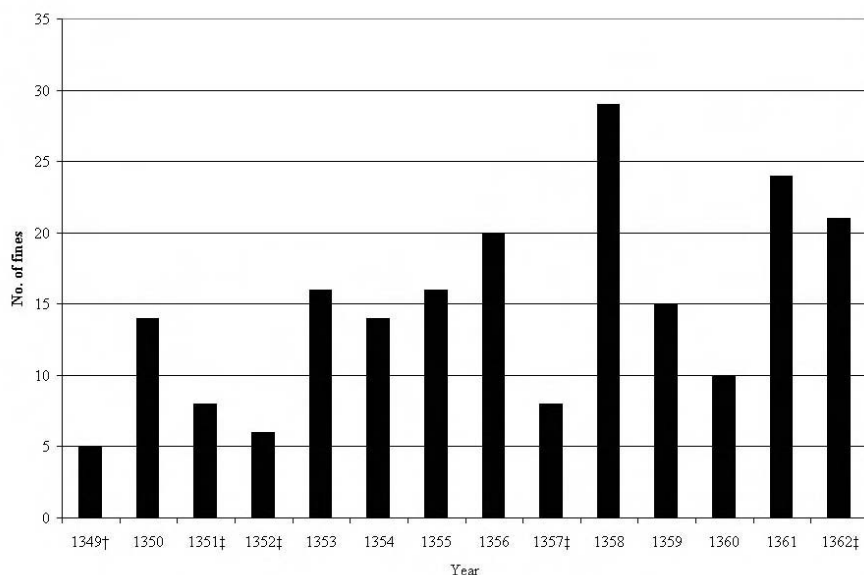


Figure 5.3. Leyrwite fines recorded in the bishopric halmote court, 1349-1362.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

steward did not wish to confront alone. Whoever gave the orders, the steward and the lesser ministers still were responsible for much of the oppression, either of their own initiative or merely through executing central orders. As the ones entrusted with executing the bishop's policy, and as the most visible instruments of the estate administration, it was these men—the bailiffs, coroners, and steward—whom the peasants blamed.

In any case, the hallmarks of this new phase were less patience for the footdragging reluctance of the peasantry and less sympathy for their condition. The worst came in 1355 and 1356. For example, in Hamsteels during the autumn tourn of 1356, Gray chose to restore an older, higher rent because he suspected that the recent lower rent was due to gifts by estate ministers (PRO DURH 3/12, f 160r). In Lanchester, when the tenants claimed in 1355 that they fined for their meadows as they did for other lands, the steward refused to accept their explanation (PRO DURH 3/12, f 146r), while in Killerby, he ordered the tenants to pay the old render in malt and for other services as they had long before (PRO DURH 3/12, f 164v). Gray ordered the men of Easington to begin paying for their moorland, valued at £4, at

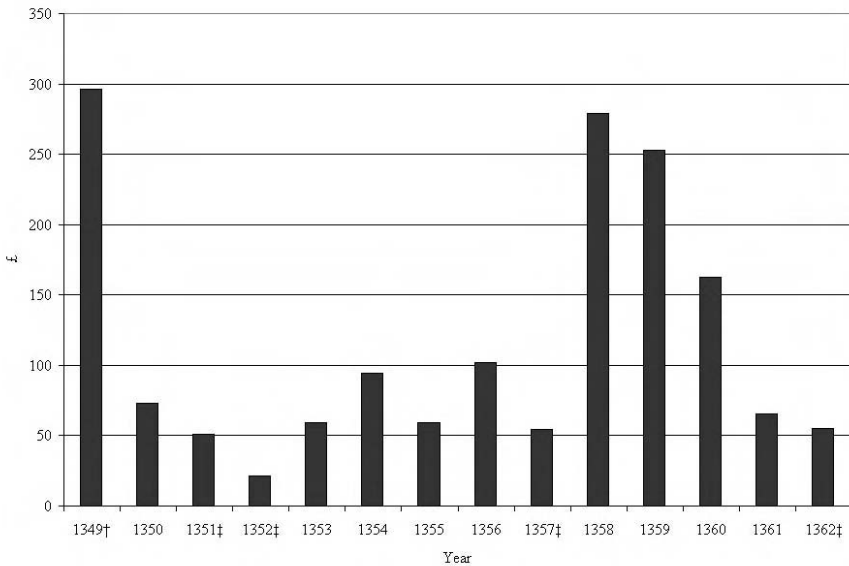


Figure 5.4. Bishopric Halmote Income, 1349 to 1362. All amercements, fines, and reliefs are included. Note that these are the amounts stated, not necessarily collected.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

Martinmas; although the tenants claimed to be so poor that they were unable to pay, no grace was to be had from the steward or the bishop (PRO DURH 3/12, ff 120v, 148v). The tenants of the demesne lands of Bishop Wearmouth and surrounding areas claimed a different system for assessing multure payments than was used in the rest of the estate. Sir Thomas ignored their arguments and assessed a higher multure fine (PRO DURH 3/12, f 148r). He required tenants owing works at Sedgefield to pay in money for the next six years, again ignoring pleas of poverty (PRO DURH 3/12, f 121r). When the jurors of Hartburn reported that a man assigned certain lands was unable to work them, the responsibility for the land was assigned to them instead (PRO DURH 3/12, f 121v). Undoubtedly under pressure from his master, Gray put additional pressure on the peasants. Unfortunately for the bishop, the increased pressure yielded few positive results, as reflected by the income of the bishopric halmotes. After the high profit of 1349, inflated by the brief reteneanting of lands and formation of new households immediately after the

plague, halmote profits dropped. The income from the courts did stabilize quickly, probably a positive sign, and new highs were reached in 1354 and 1358; but while some tourns did bring in more (theoretical) income than in 1351, the overall picture was grim. The same appears to be true for the Priory main estate, although incomplete records make a full comparison difficult. From 1349 to 1354, the Priory's halmote income had declined, while income from rents of bondlands had fallen to their lowest recorded amount for the fourteenth century. However, in 1355, halmote receipts tripled from what they had been the previous year, and then reached a peak of £52 in 1357 (Bursar's Rolls). The fairly close timing of the peaks on the two estates likely indicates that the improvements were due to factors other than a feudal reaction, although this is not impossible.

Alternatively, there may be elements of the feudal reaction hidden from our view. Gray was cutting fewer deals, but was this alone the reason for the increasing resistance? As will be discussed in the following chapter, the peasants' anger was directed at the bailiffs; or at least, these were the men

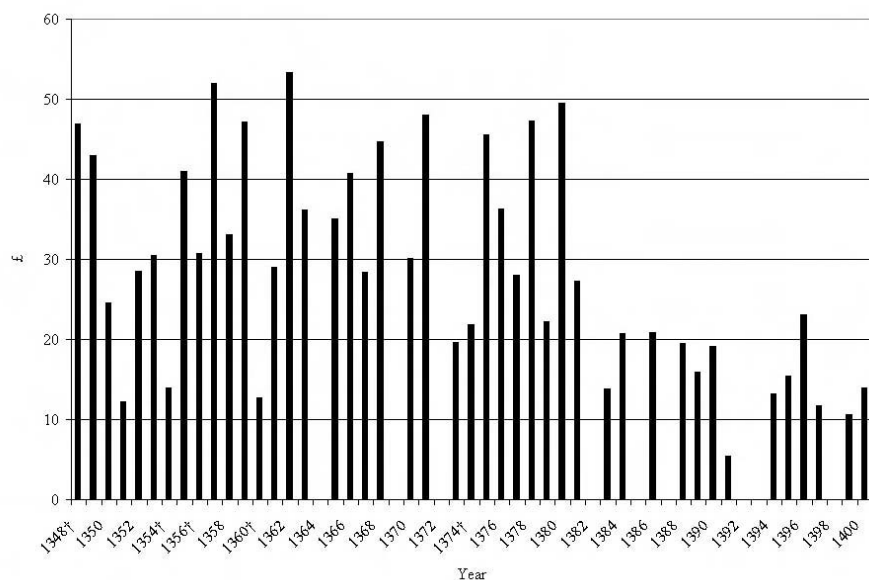


Figure 5.5. Priory Halmote Income, 1348 to 1400. All amercements, fines, and reliefs are included. Note that these are the amounts stated, not necessarily collected.

Source: Bur. acs. 1348-1400/01.

† Fewer than three tourns recorded.

most prominently "punished" in 1358 for their "extortions" from the peasants. The precise reason why is unclear. It is possible that just as Gray was being less flexible in his treatment of the tenants, these men were being harsh as well. Perhaps they tried to exact more than custom allowed. Although the evidence is thin, this may have been the case; after all, part of the deal discussed above that the tenants of Stockton struck for their lands strongly implied that the bailiff of the manor was demanding either heavier services or a higher commutation rate (PRO DURH 3/12, f 113v). Similar tactics or even stronger ones enraged peasants elsewhere (B. Harvey 259; Hilton 1969, 40–41), so perhaps this was happening in Durham. The bailiffs may have been the ones pushing for the feudal reaction; in Roger de Tickhill's manorial account for 1349, a marginal note asked whether the bishop had the choice of when to demand works (*Hatfield's Survey* 210; Bradshaw 211–216). Alternatively, it simply may be that the bailiffs were refusing to commute labor services, which would have been a serious drain on the peasants' time spent on their own holdings. If the pressure were coming from the manorial sergeants and concerned labor services, this would be mostly hidden from us due to the loss of most manorial accounts for the bishopric. Thus, this must remain speculation.

The halmote courts were important for two separate but mutually reinforcing reasons. The courts foremost were a prop for seigniorial authority and landlordship. In this way, they served as an organ for keeping the lands as fully tenanted as possible, whether through impositions and the return of fugitives or through negotiated deals such as pennyfarm. But the fines and amercements were important as income. The creation of the bishop's widows was an attempt to manipulate custom to increase income; Gray may have attempted to adjust other fines and customs as well. The control over land and people certainly was most important, but Gray could not neglect opportunities for greater returns from the halmote court. Gray had to employ multiple strategies to reach the goals of Hatfield's feudal reaction.

The lack of improvement in halmote income (which relates directly to land) provides a motive for a strengthened feudal reaction. In the years immediately following the Black Death, the administration's actions often took into account the plight of the peasantry and their pleas of distress. Many of the peasants, especially the leaders, cooperated with the early seigniorial policies, particularly the practice of imposing lands on villages and individuals. As Britnell pointed out, this validated the authority of Hatfield and Gray (1990, 38–39). The complexity of the situation on the bishopric estate renders a firm conclusion difficult, as the increased pressure coincides with increased resistance by the peasantry. The years from 1350 to 1353, while

hardly quiescent, saw few direct snubs of the bishop or attacks on his rights, but this soon began to change. Resistance being subsequent to a strengthened reaction does seem logical, but it is also possible Gray's attitude changed in response to increasing unrest on the part of the tenantry. In either case, feudal reaction and the resistance to that reaction both escalated quickly, demonstrating the importance of peasant resistance and its significance in restricting seigniorial options. The chronology of the reaction—improvisation in 1349 and 1350, a more balanced approach from 1350 to 1353, and then more stringent policies from 1353 to 1357—is a generalization; Gray could be harsh in 1352, just as he could negotiate and consider peasant hardship in 1356, but the chronology represents the overall trend. In large part, the inconsistencies arose because this was a reaction to a crisis, but also peasant attitudes and actions are an important if ambiguous indicator of what was happening; after all, that we know there was a reaction at all is due greatly to peasant malfeasance or abuse of custom. But the changes in the reaction are reflected more by peasant resistance than by seigniorial initiatives, and these stand out both because of a unique instance of resistance and a somewhat unexpected response by Hatfield to building peasant intransigence.

That truculence came from all strata of the peasantry. Many elements of the feudal reactions in Durham and elsewhere pressed hard against the wealthier peasants (Britnell 1990, 38; Dyer 1984; Razi 1983). They were the ones able to work additional land, or pay higher merchet fines, and, in Durham as elsewhere, they would be the ones to lead the resistance to these demands. Instead, in Durham these men initially cooperated, willingly or not, in particular by helping to single out individuals for the steward's impositions. This allowed them to shift the burden to others. Over time, their position became more precarious as their villagers increasingly resented *them* as well as the steward. As this resentment began to build and resistance began, the reeves and jurors would have to make a choice, to side with their neighbors or against them.

Chapter Six

“Until God Brings a Remedy:” Peasant Strategies and Resistance, 1349–1357

The plague struck the peasants hard.¹ They could not afford to hire physicians or to flee to a country house in the hills, and the conditions in which they lived provided excellent homes for the rats and other plague vectors. The blows were severe, direct, and personal; the death of a father, husband, or son deprived the rest of the family of support, plunging prosperous families into penury and poor families into utter despair. Whole families died. Yet, people moved on, coped with the disaster, and began to carve out new lives for themselves. Men and women married and remarried. Wages rose, as did standards of living. For a few decades, at least, peasant life improved. Dyer has shown that even for smallholders, life expectancy would soon be increasing due to better nutrition and better housing (1989, 182). Yet the newfound wealth and opportunities proved ephemeral, as the peasantry's aspirations collided headlong with seigniorial attempts to improve the woeful financial conditions of estates, especially in the 1370s. The peasants chafed at these policies, which to them seemed maliciously calculated to restrict their new freedoms and opportunities. Across England, the peasantry resisted these new and reimposed policies, through a variety of methods: boycotts, legal action, even revolts.² Poos has described a slow escalation of resistance in Essex to the combination of wage control, feudal reaction, and the national crises of the 1370s: “a rising crescendo of resistance to these irritants, in part in the form of individual acts of defiance but also, it would appear, increasingly in the form of group actions” (1991, 240). This resistance grew gradually, but even early in the 1370s the lords were beginning to see and fear the resentment they themselves were generating. A 1371 petition in Parliament complained that serfs demanding freedom were crippling estates and preventing them from functioning (Hilton 1969, 28–29). Faith found that

many peasants already were uniting and coordinating their resistance during the 1370s, with their attempts to claim ancient demesne status leading to the concern in Parliament (1984). Discontent peaked in the “Peasants’ Revolt” of 1381, as organized peasant bands rampaged through large portions of southern and central England, attacking manorial officers and destroying documents, and finally marched on London to demand an end to serfdom and to oppression by their lords. Although non-manorial issues (such as the failure of the government to provide protection from French raids) provided the spark to unite the peasants and ignite the rising, much of the peasants’ anger arose from the frustration of their new economic freedom and the increased limitations on their actions (Dyer 1984, 9). The lords had dashed the peasantry’s expectations and hopes; the return to labor services and the imposition of older dues were harsh not because of stigma but because it limited the peasants’ newfound opportunities.

In most of England, it took decades after the Black Death for circumstances to decay, the “feudal reactions” to set in, and peasant resistance to peak; in Durham, the crisis took place almost immediately after the *prima pestilencia*. Bishopric peasants complained from 1349 onward of “poverty,” which might be better understood to be a difficulty in sustaining their position rather than complete destitution; the loss of labor might be one reason, but it is also possible that the economic situation in Durham had soured before the plague. For some peasants, at least, there was no golden age or Indian summer. Although the plague had devastated the Durham peasantry and thrown the survivors’ lives and livelihoods into confusion, the peasants did not have much time to right themselves before the bishop initiated attempts to stabilize the estate in the face of a severe population shortage. The peasants of the bishopric not only had to wrestle with personal loss and their own economic problems, but now the bishop and his officers were compelling them to assist in solving the estate’s crises as well. The reactions of individual peasants varied, but overall, the peasants of the bishopric seemed willing to follow the bishop’s plans, at least for a time, while simultaneously trying to carry on their agricultural and social organizations as before the plague. Although the scope of the crisis is plainly visible to modern eyes, and the Durham peasantry and lords knew that their situation was grim, some years would pass before both lords and peasants in Durham truly realized how much their lives had changed. That realization would spark even further change.

INITIAL RESPONSES TO THE *PRIMA PESTILENCIA* IN DURHAM

Peasants abandoned their lands in the years following the first outbreak of plague. Some did so out of fear of the plague, but many more fled for different

reasons. The flight of William Kyd is important because he and his family were neifs (PRO DURH 3/12, f 5r). Fear of death may have spurred him on his way, but as he left his land behind, so too did he leave his status, freeing himself and his family from bondage. Freedom was not necessarily far away, either. Some bishopric neifs fled to the Priory estate, and the coroners had great difficulties in retrieving them, despite knowing their whereabouts and despite the bishop's vaunted palatine powers. Two neifs from Bishop Wearmouth, Nicholas Todde and John Rede, fled to the nearby Priory vill of Southwick. As late as 1358, the coroner was still unable to reclaim them, and they eventually paid fines of 2s. and 3s. 4d. to remain unmolested (PRO DURH 3/12, ff 66v, 111r, 134r, 154r, 162r, 190r). Likewise, William the son of Richard Shephird, declared a neif, fled to Morton and was living there with his uncle William. The coroner was ordered to return him, but failed (PRO DURH 3/12, f 67v). Once they had escaped, they were relatively safe, even when their whereabouts were known.

Free tenants of customary lands also fled from the bishopric. Those who fled lost their rights to their land unless they returned when summoned, but the availability of land meant that this was not a powerful inducement to return. As free men and women, these tenants had the right to leave when they wished, but leaving their lands did not mean leaving their obligations. Many of those who fled did so one step ahead of the collector. Margaret Othelough and her husband abandoned their holding in Benfeldside without paying their rents; they were not neifs, so the coroner did not have to bring them back, but his failure to collect the overdue arrears resulted in his imprisonment by the steward (PRO DURH 3/12, f 60r).³ Other free fugitives left their homes, buildings, and lands in sorry condition. John of Burdon abandoned his cotland in Cassop to become a tenant of the Priory in Pittington, but since that cottage was "ruinous for a long time" the steward directed the coroner to seize John's salary and goods until he repaired the said cottage (Horrox 1994b, 330; PRO DURH 3/12, ff 67v, 89v). Robert Hydwyn left his lands in Roughside but also took the grain there away with him "by force and arms" (*vi et armis*), and the coroner was to arrest Robert wherever he could find him (PRO DURH 3/12, f 92r). Robert's departure was not the only one reported in the traditional language of trespass, but most simply disappeared without satisfying the exchequer of their arrears. Peasants continued to flee for years after the Black Death to avoid the steward's execution of the bishop's agenda. Few of those who left ever returned, voluntarily or under arrest.

Flight was the ultimate individual response both to the plague and to Hatfield's feudal reaction. Although some peasants' reaction to the plague and to the bishop's policies was to vote with their feet and flee, overall, flight was not the common response. The option lay open to all tenants who were

willing to abandon their holdings and ties to the village; but many peasants may have felt that their attachment to their land and village, their status, and the potential of their holding outweighed any feudal or economic oppression. This does not mean that we can discount the importance of the individual; it simply reflects the complex situation in which these individuals existed and the many potential ties that would keep them from leaving. Nor can we discount that fear of the unknown that comes with completely abandoning one's home, and the serious possibility that conditions elsewhere may be worse; far better the devil that one knows. Yet, we cannot weight this uncertainty too heavily when determining peasant motives; after all, many of the known fugitives went to reside with kin.⁴

For those willing to take the risk, or who had friends and family elsewhere to welcome them, the inability of the bishop's officers to coerce fugitives to return or pay arrears made flight an attractive choice. Many peasants were unafraid of the bishop's super-seigniorial powers, the efficacy of which was proved wanting time and time again. In Shadforth, unknown men came at night and "with force and arms" took the goods of John Roumanger, a neif who had relocated to South Sherburn (PRO DURH 3/12, f 74v). Agnes Dowe, a neif of Whickham, fled to nearby Newcastle and married an artisan. The jury claimed not to know his name, and unless anyone with information was willing to break the silence, there was little more that the Sir Thomas Gray could do (Horrox 1994b, 329; PRO DURH 3/12, f 87r). What did these fugitives have to fear? Their former neighbors, members of the community that they had abandoned, covered their escape and denied knowledge of their new whereabouts, and even if their neighbors ratted them out, everyone knew of the administration's inability to deal with fugitives. Robert the son of Thomas the son of Ralph, also a neif, had been a fugitive "from time out of memory." The order to return him was truly optimistic on Gray's part (PRO DURH 3/12, f 114r). When one of the coroners did manage to return two neifs to Shadforth, Gray required him to find securities for himself that they would remain, so as to encourage him to keep watch over them (Britnell 1990, 33; PRO DURH 3/12, f 156r). Given the difficulty of recovering a fugitive, and how seldom it occurred, the steward naturally suspected that the former fugitives would run away again.

Complicating this further, many of the peasants barely were keeping their lands worked properly, and the plague made their circumstances even harder. Consequently, the peasants' precarious situation hindered the bishop's drive to find tenants for the vacant lands. No one in Easington took up new lands because of poverty, and in Hardwick, potential tenants declined to take up holdings because of the debility of the land, confirming the necessity

of the bishop's insistence that only capable tenants hold land (PRO DURH 3/12, ff 13v, 16r; Horrox 1994b, 284). The jurors of Boldon complained that the entire vill was so poor that no one was able to pay their rents (PRO DURH 3/12, f 35v; Horrox 1994b, 329). Even the better-off tenants, who held whole bondlands and dominated the village offices—men who should have been wealthy and experienced enough to make a successful go of it—declined to take more land, frequently citing a lack of resources. Some families were unable to keep their lands, lacking anyone healthy enough to do the work. Although some of these claims may have been exaggerated, the problem was clearly real. Seldom do peasants of any time or place decline additional land at reasonable rates, and Gray's own actions indicate that he did believe many of the peasants when they pleaded a shortage of resources.

PEASANT PATIENCE

Despite a feudal reaction that was "particularly vigorous" and "imposed with exceptional force" (Britnell 1990, 29–30), initial tenant resistance was remarkably limited.⁵ In fact, it was little different from the normal levels of footdragging and opportunism, and lacked the more disruptive or violent elements seen elsewhere such as taking the lord to royal courts or arson (Faith 1994; Bailey 1995; Müller). Admittedly, the bishopric reaction was not as harsh as that in thirteenth-century Halesowen, and there is no record of the bishop's ministers employing force against any resisters (Razi 1983; Franklin). However, as the reaction was swift and concerted, the increases should have been more than sufficient to rouse the peasantry's ire. Instead, sporadic flight from serfdom and arrears aside, patience and compliance marked the initial peasant response to the feudal reaction. This could be due to a longstanding good relationship between the bishops of Durham and their peasants. The steward's practice early in the 1350s of tempering the more oppressive policies with compromise and his avoidance of angering and alienating the bishopric peasantry as a whole also played a significant part in dampening early peasant unrest.⁶

COMPROMISE AND CHARITY

Bishop Hatfield, and more importantly Sir Thomas Gray and those officers who had direct contact with the peasantry, were not blind to the conditions under which their tenants suffered, and they knew well that the successful restoration of the estate required a healthy, cooperative peasantry. Sympathy perhaps, but this also demonstrated a keen, practical business sense among

the administration. Consequently, the steward, backed by the bishop, took steps to ameliorate the condition of the peasantry. In one instance, all of the tenants of Bishop Middleham as one sought more pasture for their plow animals. The bailiff of the manor reported that they could have one meadow appurtenant to the manor "without damage to the bishop." Since it was part of the manor, the matter had to be vetted before the bishop and steward. The halmote books record nothing more on the matter, so either the proposal was acceptable or another acceptable solution was found (PRO DURH 3/12, f 61v). In some instances (but not all) of tenant flight, the steward offered concessions to get the fugitive to return; and for neifs, he sometimes accepted albanaria, a monetary fine for the neif's absence that also acknowledged the bishop's rights. For example, John of Cornforth, a neif of Bishop Middleham, agreed to pay 6d. annually for the right to live away from his village, with the agreement valid for the following six years (PRO DURH 3/12, f 82r). In 1354, William Kyd agreed to pay twice that for his albanaria (PRO DURH 3/12, f 97v). Though infrequent, concessions such as these defused the buildup of dangerously explosive tenant anger. Likewise, acts of mercy and understanding by the bishop as landlord allayed tenant resentment, continuing the bishops' tradition of good lordship and containing a volatile situation. When the local jury declared that Robert Saddyng was so poor that he could not work his lands, the steward seized his lands but provided him with other lands that he was capable of working (PRO DURH 3/12, f 64v). Robert may not have liked this turn of events, but he was not completely turned out into the cold; this partial confiscation, like those of widows already mentioned, demonstrates that Gray was not as ruthless as he could have been. Another example is Adam Scott, who complained that he was destitute and unable to work his lands because a fire had ruined him, and the coroner corroborated his testimony. Gray required that Adam pay a term of rent but excused the rest (PRO DURH 3/12, f 76v). The halmote court records sometimes noted that a tenant or group of tenants was "expecting the grace of the steward." This "grace" was as much hardheaded compromise as good lordship, and hope for mitigation was realistic enough for the scribes to record it as a distinct possibility.⁷

Most compromises revolved around the terms of landholding. Penny-farm was very popular with the peasantry. By fixing the commutation rate for services and various incidental dues, and doing so for years at a time, the bishopric peasant secured much-needed stability in this time of upheaval, providing a chance for some long-term planning. The small number of possible (let alone good) tenants with their claims of economic hardship greatly strengthened the collective bargaining power of the peasantry as a whole, and

many secured pennyfarm leases at very beneficial rates. When one tenant in a village secured such terms, the other tenants clamored to hold their lands on the same terms, and often succeeded. Even though these leases carried caveats about the bishop's rights to restore the traditional terms of land holding, most peasants expected to maintain the new terms for a long time.

THE IMPOSITION OF LANDS: DIVIDE AND CONQUER

Although the practice of impositions seems unfair and oppressive to modern sensibilities and the recipients complained, it did not create any immediate collective resentment. The impositions were not permanent, as the steward attached the condition that the tenant(s) would be free of the land if they could find a new tenant, or if someone came who wished to take the land. This was a great inspiration to the unlucky new landholders to assist the steward in finding new tenants. Second, the bishop seldom charged entry fines for imposed lands unless the tenant actually accepted the lands as his own. Entry fines were the greater part of the burden of lands, more so than rents and renders. It is not implausible that some peasants recognized this, and willingly took the land on the cheap despite the precariousness of their right. After all, the steward would not assign the land to unwilling recipients if someone wanted it. Furthermore, villages came together over the problem of land. When potential tenants could not find sufficient pledges of their own, the entire village often stood as pledge for them, which may not have happened in normal circumstances. This became a common feature in the early 1350s, and the halmote scribes recorded this collective pledging in terms of "all the neighbors of the vill," "the whole vill," or "everyone of the vill." The jurors for a vill frequently stood as pledge, and in many cases, they did so as representatives of the corporate vill.

Finally, the practice of imposing lands generated limited objections because it pitted tenant against tenant (Britnell 1990, 34–39; 2004, 432). Although men required to present their neighbors may in some places have "been in an impossible situation" according to Poos (1983, 31), in this instance at least the men of the bishopric were quite ready to shift the burdens onto their fellow peasants. William Woderof made the ever-dangerous mistake of being absent when important decisions were made, and so the steward assigned him certain vacant lands because Roger de Tickhill reported that William was capable of holding them (PRO DURH 3/12, f 107v; Horrox 1994b, 330). As the choice of temporary holder often lay with the village jury, one can imagine easily both the favors and threats that they received to influence the selection. Perhaps such persuasion led the jurors of Norton

to declare that Robert de Karecon was able to hold a bondland there, and then report the same regarding Sibil the widow and her son William. Richard Kirkeman, who had been “overburdened” with those two bondlands, no doubt was happy to be quit of them (PRO DURH 3/12, ff 57v-58r). The halmote books illustrate the common attitude of the recipients towards these impositions in an entry describing one neif as having a full bondland of thirty acres “thrust upon him” (*terra iacta est super eum*) (PRO DURH 3/12, f 74v). On the other hand, Adam Milner received a holding in Benfeldside to hold and work “until the taint of poverty lying upon him leaves” so that he might relinquish the land, or until he finds a better tenant (PRO DURH 3/12, f 60r). The prior tenant abandoned it two years previous, and the coroner’s unsuccessful attempts to collect the rent had led to the coroner’s own imprisonment. The fact that Gray had to force men to take these lands demonstrates just how desperate was the situation of the Durham peasantry; early in the fourteenth century, even poor land was in short supply in much of England, and now in Durham the steward was hard pressed to find tenants even for bondlands. Though markedly unhappy, those chosen to take lands had little remedy. The steward confirmed the juries’ decisions, and even if the new tenant refused the land, doing so did not eliminate the burden of paying the rents. However, the resultant resentment was limited to a few individuals, rather than emanating from entire communities, thus blunting and limiting anti-seigniorial sentiment.

RESISTANCE AND OPPORTUNISM

Although the bishop’s policies on land did not generate any violent resistance or revolt, there was resistance through noncompliance. The bishopric peasants did as they had done for centuries; they quietly evaded as many dues as they could, shirked work, and managed not to hear summons to do otherwise. Throughout the estate, tenants chafed at mulcture fines. Many tried to evade it, as at Lynesack and Cornforth (PRO DURH 3/12, ff 47r, 57v), while others challenged the bishop’s right to collect the toll. Men and women married without informing estate officials in attempts to avoid the merchet fine, and those men who married bishop’s widows tried even harder to avoid that fine. Brewers and brewsters neglected to summon the ale-tasters. Tenants let their buildings fall into disrepair, or stole materials from deserted houses, although the scale of this problem on the bishopric estate was relatively minor compared to the difficulties that the bursar faced. Others hunted rabbits in the bishop’s warrens or impinged on his lands with regularity. Villagers traditionally had provided food, hay, and lodging for the steward and his retinue,

but individuals and at times entire villages defaulted on this obligation. In a myriad of minor ways, the peasantry ignored the bishop's rights; but they had done so before, and as yet this was nothing new.

Sir Thomas Gray embarked on a strict investigation and punishment of many other infringements of these rights and other evaded dues. In 1350, Gray amerced twenty-one tenants in Sedgefield for breaking hedges and closes, and he amerced nineteen tenants in Sadberge for the same offence two years later. This was a common offense in many villages, often with multiple offenders; however, the lack of earlier halmote books makes it difficult to say whether such infractions had always happened or represented a new, post-plague phenomenon. As noted earlier, the steward abolished an illegal custom that he probably had long tolerated when he required the brewster attending the jurors of Stanhope to begin abiding by the Assize of Ale. It is possible, then, that Gray was "discovering" illegal practices throughout the estate that may have been tolerated or ignored earlier. The lack of halmote books from before the Black Death makes this an impossible hypothesis to substantiate.

Whether or not this was resistance or old custom, the bishop and his steward would have none of it. Luckily for the peasantry, however, widespread confusion in the wake of the plague hampered the steward's efforts to enforce the bishop's will. At times, it was difficult to separate approved customs from those that were illicit. On the death of a tenant, the heirs might claim a better status for the land, arguing that it was exchequerland or even free land rather than a customary tenure, or that some bishopric official had lowered the rent below the usual value or excused certain works. Usually, the jury supported their fellows in these deceptions. For instance, John Drylten claimed that land he held in Bedburn and Hamsterly was free land. The jury had concurred with him earlier, but the administration was not so sure and ordered him distrained until the bishop's council had investigated (PRO DURH 3/12, f 108v). Adam of Rogerly claimed that his messuage and six acres of land in Stanhope were free, but the steward certified by the records that it was exchequerland. Nevertheless, the jurors and elders of the "whole demesne" declared that the land was free land "without a doubt." The land was demised "by the grace of the steward" as free land (PRO DURH 3/12, f 159v). When Gray or others cleared up the confusion over a tenure, the solution often failed to satisfy the peasants. An investigation by William de Westle, Receiver of Durham, revealed that forty acres of land in Stanhope had once been leased for 4d. per acre, for a total of 13s. 4d., though now they were let at far less. Some thought the rent should be 2s. for the entire lot, as when two bishopric officers had once held it (though the low rate clearly

was a reward). More recently, the entire holding had commanded only 10s. 4d. De Westle and the steward declared that the old rent ought to be “resuscitated” (*firma . . . debet de iure resuscitari*), but the current tenants refused to hold the land at that rate. He and the steward referred the matter to the bishop’s council, which must have tired quickly at dealing with so many cases about customary land (PRO DURH 3/12, f 71v).⁸ These constant challenges arose because the records were outdated, but the peasants used these situations to negotiate better terms. Sometimes they lost, but some peasants used these disputes successfully, playing upon the frustration of the steward and council and their reluctance to investigate such matters again and again.

Peasants likewise used the confusion to mount challenges over personal status as well. Unfree men held free land, often openly, in contravention of their status. In Shadforth, sir John de Cashop, chaplain, acquired a messuage and ten acres of free land before his death; the records clearly refer to him as a neif (PRO DURH 3/12, f 13r).⁹ In many cases, the steward detected a neif’s acquisition of free land only upon the death of the neif. Many neifs must have quietly emancipated themselves, using their possession of free land as evidence during these confusing times. Faced with so many complex situations, the steward and council did what they could, but frequently they must have acquiesced to peasant demands.

AN EARLY CRISIS? THE DURHAM NINE

Overall, it is exceedingly difficult to find clear examples of anti-seigniorial sentiment in the half-decade after the Black Death; opportunism, certainly, disgruntlement, yes, but any resentment must have been smoldering inside individual peasants. If this was so, until 1354, the bishop’s policies generally were insufficient to evoke more than an occasional glimpse of these feelings, and the usual give-and-take continued. There is one exception to this, the meaning of which is not necessarily straightforward and needs to be evaluated in light of the overall trends of reaction and resistance on the bishopric estate. This incident was by far the most dramatic case of resistance and collective action in fourteenth-century Durham. In the summer of 1350, the coroner of Chester Ward, William de Kirkeby, reported that nine of the bishop’s neifs publicly declared in his presence that they intended to leave the fee and find lands elsewhere, and thus they refused to pay their rents. Apparently, the coroner did nothing, so on May 13 the nine men went to Bishop Auckland (where the bishop’s palace was located) and handed over their plow irons. They were promptly incarcerated in the gaol at Durham. On the 29th, Gray and the Receiver, William de Westle, delivered the men on the condition that

they and their neighbors would pay some of their arrears. The men found manucaptors and stood pledge each for the others to remain on the estate (Britnell 1990, 32; Bradshaw 212; PRO DURH 3/12, f 34v; Horrox 1994b, 326–327). The case ends there; as for the rest of their arrears, it was stated that “William the [R]eceiver shall decide what shall seem most expedient for the advantage of the lord bishop” as overseen by Gray, but there is no further record (PRO DURH 3/12, f 34v).

On the surface, this appears to be a case of nine neifs boldly defying their lord and being punished for it. They decided to flee the bishopric, as some of the brethren across the estate had done, but chose to make a final show of defiance by returning their plow irons, a symbol of their attachment to the land and thus of their servile status. They were arrested, incarcerated, and released upon pledge to pay at least the greater portion of their debts. Thus, Hatfield crushed the first budding resistance to his feudal reaction. Peasants throughout the estate took this as an example, looking for quieter ways to disobey or to ameliorate their condition. Thus, this display of seigniorial power was successful (Britnell 1990, 32).

Or was it? The explanation of events may seem straightforward, but we should consider an alternative reading, for two reasons. First, this is clearly a seigniorial narrative of events, inserted into the halmote books rather than being a part of the halmote court record. For this reason, we should regard it with even greater distrust as painting the picture in a favorable light to Hatfield's power—which the halmote books reveal as being not nearly as strong in practice as it was in theory. Second, upon further consideration, some elements of the narrative seem out of place or irrational. To begin with, old stereotypes about ignorant serfs and revolting peasants to the contrary, it is hard for the modern mind to accept that a peasant would be stupid enough to declare his intention of leaving in front of the coroner, the very man whom the bishop would assign to track him down, and then compound that act by surrendering his plow irons at the bishop's palace. If all that those nine wanted to do was to escape and leave their arrears behind, they assuredly would have slunk away in the night as others did, quite successfully. After a fortnight in gaol, they were delivered by the bishop's top two men, the steward and Receiver; not the sheriff, coroner, or bailiff, but the chief administrative officers of the estate judged their case. They ruled that these men would have to pay their arrears, but so would their neighbors, who had not been implicated in the case so far. Compounding this turn of events is the statement that de Westle would decide “what shall seem most expedient for the advantage of the lord bishop.” The Latin here is ambiguous, as is the translation; “expedient” and “advantage of the lord bishop” could be read in two

distinctly different ways. Finally, these men pledged to stay on their lands using each other as their pledges, not by any monetary bond. They were not described as being in mercy, and there was no buying of the bishop's mercy, no fine exacted for this affront, solely the payment of rents and arrears. After this incident, Gray was more conciliatory in his dealings with the peasants throughout the estate, and organized group resistance is rare. Together, these elements mean that there may be another side to this narrative, one that fits in more closely with the history of the estate. Attempting to craft a convincing, more subversive reading of events such as this is difficult given the lack of sources for the actual thoughts of the peasants themselves. The following reading draws upon the observation of the peasantry's situation ("poverty," willingness to flee), of the actual implementation of bishopric policy (the inability to retrieve fugitives, the measured approach of Gray from 1350 to 1353 or so), and the general lord-peasant dynamic from 1349 to 1362 (some of which has yet to be covered here).

The situation of the peasantry in 1350 was grim; we have their pleas of poverty, but perhaps more convincing were the seizures of land from *impotentes* and the refusal by many tenants to take up new lands. The nine refused to pay their rent, and there is a chance that they did so because they could not pay. As for the coroner, his testimony is suspect; for one, he would have been likely the one to bear the bishop's displeasure at uncollected rents. Thus, rather than an outright refusal, what *might* have happened was that the nine appealed, on behalf of their community, for some grace in paying their rents, and the coroner refused. In any case, paying the rents or flight were not the only options open at this point; there was a third, more risky option: protest. The trip to Bishop Auckland was so far out of the way as to be intentional; had flight been their choice, they could have been in Northumberland—or even on the Priory estate—in far less time, and as has been shown, effectively free. Could the trip to the bishop's palace have been instead a calculated move to draw sympathy to their plight, perhaps their only means of appeal at this point? By returning their plowshares and declaring their intention to go elsewhere, the nine openly challenged the bishop's power. They implied that he was not a good lord, for if he were, he would have halted their suffering already, and they strongly implied that he was not a powerful lord, by so brazenly stating their decision to leave. The latter emphasized the problems the bishop was having in keeping his lands tenanted to provide men and rents, while the former was a warning of what might happen if the bishop did nothing. They knew his weakness, and exploited it to the full.

The bishop had only one option: punish them. However, in doing so, he had a choice to make. He could make an example of the nine so that

others on the estate (and tenants in general) would think twice about leaving or disobeying his power; or, he could inflict a light punishment, and then try to rectify the problems so as to prevent the situation from getting out of hand. Hatfield chose the latter. He had the men thrown in gaol; but none were maltreated, died, or had their chattels seized as happened to malcontents in Halesowen (Razi 1983, 162–163). The men chiefly responsible for the running of the estate delivered the men, showing how important the situation was. And the ambiguous statement, about de Westle doing what was best for the bishop, could indicate a conciliatory tone; the bishop could not risk losing his rights, but it was certainly to his advantage to keep his tenants and maintain order on the estate.

The final outcome is unknown; the halmote books record nothing further, and other records of the time are lost. The halmote books mention no fine or any punishment other than the time in gaol; they had to find pledges to keep the peace, but there were no bonds, no monetary means to keep the men on the estate. Perhaps they were economically desperate, but a distraint or possible distraint might have been in order to keep them from fleeing. As far as the records tell us, after their release from gaol, it was as if nothing had happened; the nine men apparently returned to their lands and had to pay their rents and arrears (or at least some of the arrears). At least one continued to be a juror in his village (Bradshaw 212). In any case, many of these men (or their sons) were still living on the bishopric thirty years later (*Hatfield's Survey passim*).¹⁰ Yes, they did pledge by each other to stay, but just how effective was such a pledge? That the nine had acted together to plan their protest, and that their demonstration was somehow connected to the problem of all of their neighbors, indicates solidarity and organization. Since bishopric juries had a tendency to forget to present infractions, as neighbors hid information about their friends who had flown, how much weight can be put on their pledge as an effective deterrent of flight? Yet, the response must have been adequate. For one, these men remained on the estate; but more importantly, peasant resistance in the following years was individualistic, not organizing until the second half of the decade. There was no escalation of resistance, there were no more dramatic challenges of the bishop's authority, all at a time when the bishop's power was not strong and the bishop's steward chose to work with the tenants rather than against them. As shall be seen, when faced with wide-scale resistance later, Hatfield's reaction was to concede, not to fight back; this may have been the case in 1350 as well. Thus, although this reading cannot be proven directly, it does fit into the course of events at the time. In some ways, it almost seems scripted, in that the drama follows a set pattern—oppression, failed petition, revolt, defeat, but success

in the long term—much like the history of rural society in post-plague England: feudal reaction, attempts to find “legal” remedies, the 1381 Rising, and then the gradual decline of serfdom and seigniorial pressure.

This event, and the two possible readings of it, also demonstrates the potential for conflict and compromise to coexist in the manorial system. If we accept the second reading, this event exemplifies the ways that conflict could be used to stabilize the system rather than simply to overthrow it; this was a protest, not a revolt. This very event may have smoothed the way for the reaction over the next several years. The peasants as a group did not yet perceive the need to mobilize wide-scale resistance. Indeed, if the return of the plowshares at Bishop Auckland was a “plea for help” rather than a foolish display, then the peasants did have faith that the bishop would uphold his obligations and see them all through these tough times, once he learned of the true situation in the villages rather than relying on the reports of his officers. This sounds naïve, but it is also a shrewd play upon the bishop’s self-image as purveyor of “good lordship” (and possibly of Christian charity) and his self-interest. Both lords and peasants could manipulate the symbolism of lordship for their own advantage, and use the beliefs attached to those symbols—the plowshares, the palace, good lordship—to move the other into doing what they wanted.

A STORM ON THE HORIZON

That event is unique. There were no other such dramatic challenges to the bishop’s authority recorded in the halmotes; for several more years, there were hardly any directed challenges at all. It appears that Hatfield and Gray took the incident to heart, and chose not to push quite as hard. Even though resistance began increasing when seigniorial pressure increased in 1353 and 1354, it would take time to reach the point where enough tenants were sufficiently outraged to band together. Numerous historians have shown that peasants did not decide upon revolt overnight, nor were they constantly embroiled in conflict with their lord. Instead, they were remarkably patient, waiting for the optimal time to act on longstanding grievances, contenting themselves for the time being with footdragging and individual opportunism. Peasant opposition to lords was endemic, and on the low end of the scale of resistance this is definitely true. Upon close examination, however, those manors rocked by the greatest and most violent peasant resistance often had a history of more strained relations, and conflict often erupted when lords chose to break custom, as happened in Halesowen (Razi 1983). Dyer, examining peasant claims of ancient demesne, has demonstrated that many of the disputes

covered generations, with tenants complaining of actions committed nearly a hundred years earlier (1996). The 1381 Rising occurred more than thirty years after the Black Death, and though its causes were complex, the actions of the rebels indicate that many of their complaints had their genesis in the seigniorial reactions, as Poos has demonstrated for Essex (1991, 231–262; Dyer 1984). Those oppressions had occurred for long enough that the many peasants were organizing themselves to resist seigniorial pressure even in the 1370s (Faith 1984). Conversely, manors with good relations between lord and tenant should have been less prone to an explosive revolt, since there would have been fewer incidents of oppression or violation of custom to simmer in the peasantry's collective memory. This does not mean that such manors or villages were free of incidents, as Bailey has shown (1995). Rather, resistance traditionally was low-key and sporadic, at times even regularized and institutionalized within lord-peasant relations, and persistent aggravation was required to generate open conflict.

Durham seems to bear out this supposition. The tenantry largely accepted the initial policies as the right of the bishop, and, while the evidence is slim, the bishops of Durham seem to have had smooth relations with their customary tenants over the preceding centuries. Both sides did as the other and as customs and norms demanded. The peasants paid their rents and dues, while the bishop and his administration provided protection and administered justice. Consider the following example of the bishop standing up for his tenants in Sedgely:field:

Because no one wished to confront Thomas Bercar for damages caused by his sheep in the villagers' corn throughout the winter and for the past five years, the lord bishop makes suit. And the inquest returns that the said Thomas caused the damage with the said sheep to the value of 20s. And since the bishop made the suit the bishop will have the damages, but it is in respite until the steward's coming through his order. (PRO DURH 3/12, f 120v).

Good lordship could be financially rewarding, as in this instance, but smooth relations with the tenants was even more important. Both sides strove to maximize assets while minimizing losses, constantly pushing boundaries to gain as much advantage as possible without disrupting the prevalent discursive relations. The situation was largely at equilibrium, with small shifts between accepted norms or expectations. Although Bishop Hatfield had been bishop for only four years before the pestilence, many of the men employed by him had long ties to the county and substantial experience in the administration

and their descendants would continue in the same roles. As for the tenants, their burdens were heavy, but the exactions had been constant, predictable, and traditional. The history of good relations provided Bishop Hatfield with a grace period, and even most of the unhappy tenants were willing to wait and see what developed.

Although the years from the outbreak of the pestilence to 1354 seemed calm, with the benefit of hindsight it is clear that the situation of the tenants was becoming worse. The halmote books constantly record claims of tenant hardship and poverty and reductions in fines on account of those claims; complaints about entire villages being too poor to take lands occur regularly. Although the tenants of Killerby cut a deal in 1352 to work all the vacant lands there at a very reasonable rate, those of the nearby village of Middridge were too poor to work the lands even under those conditions (PRO DURH 3/12, f 63r). The very idea of peasants refusing to take lands, even at good rates, is unusual though not unheard of.¹¹ Most peasant histories describe a constant search for lands, and in the early fourteenth century there was a desperate struggle over workable lands throughout much of England. Now, in Durham, the peasantry was refusing to take on extra land, seemingly in violation of all conceptions of how peasants should act. Some of this recalcitrance may have arisen from resistance to imposition of lands. However, the inescapable conclusion is that for most of these instances of rejected land, the peasants, individually and collectively, believed that they could not work them without jeopardizing their already precarious situation. They lacked either the labor or resources, and probably often both. Although economic indicators are hard to find for Durham, this alone seems a strong indication that the overall economic health of the Durham peasantry was poor. Other brief notes in the record bear this out, as when the steward reduced fines for hardship, when a brewster refused to sell ale to a man because he was poor, or when William Taillour withdrew from the halmote court in 1354, because he did not wish to risk being impleaded as he was too poor to pay any amercements. For withdrawing without license, the steward fined him—the exact fate he had hoped to avoid by leaving early (PRO DURH 3/12, ff 65v, 98r). Another man refused to return, even if he lost his lands, unless brought back by force at the command of the steward (PRO DURH 3/12, f 128r). Circumstances sometimes forced the steward to demise lands “at the tenant’s own risk” (*suo periculo*). The steward and other officers continued to identify men as capable of holding lands, but those men often refused to work the lands, requiring the steward to impose those lands upon the vill instead. The tenants of Whitburn–cum–Cleadow were being held liable for the loss of five horses used for the bishop’s carriage in Scotland, and for this,

the steward cancelled a promised remission of twenty marks of rent (PRO DURH 3/12, f 154v). This must have been a heavy blow. Even though the crackdown on dues and infractions was no more successful, the estate officers and the steward were casting their net wider. Each tenant began to fear that he or she would be the next one amerced by the steward or forced to hold unwanted lands. By the mid-1350s, it was fast becoming clear to all that the situation was not improving. The patience of the peasants with their lords was waning, resentment was building, and it was only a matter of time before matters came to a head.

OPPRESSION AND RESISTANCE, 1353–57

The lack of peasant mobilization before this point should not blind us to the true nature of the bishop's policies. While many tenants struck individual deals on good terms and others received pardons of their arrears or lower rents, the tenor of the reaction was one of dominance cloaked within negotiation and compromise, just as any power relationship is. The peasants successfully negotiated many deals and bargains, but these still were at the will of the bishop, and many attempted negotiations failed when the steward balked at the demands. Thomas Wake, a neif from Wearmouth, had offered to take up a messuage and twelve acres but only offered a fine of 3s. 4d.; in response, the steward committed the land to him at a higher rate and instructed the jury to make sure that Thomas worked the land (PRO DURH 3/12, f 56r). In the mid-1350s, estate officers took an increasingly hard line towards rents and renders in an attempt to maintain revenues and production. Bargaining no longer worked as well as before. The villagers of Heighington, Ricknall, Middridge, and Killerby refused to hold their lands at pennyfarm unless for 12d. an acre, but Gray refused to consent (PRO DURH 3/12, ff 53r, 73r; Britnell 1990, 43; Horrox 1994b, 328). When the men of Byers complained that land there was too dear for them to hold it, they too received scant relief or sympathy (PRO DURH 3/12, f 53r). The villagers of Houghton, Wardon, Morton, and Newbottle were to pay 46s. 8d. for the farm of the demesne meadow unless they received some form of mitigation from the lord, for Gray declared that no more was to be remitted (PRO DURH 3/12, f 67r). He then ordered coroner John Boner to distrain the entire village of Sherburn until they paid their arrears for the smith's cottage (PRO DURH 3/12, f 67v). Gray dispatched another coroner to Bishop Wearmouth to investigate the ruinous condition of the demesne buildings there and take down the names of the tenants who were responsible for their upkeep (PRO DURH 3/12,

f 80r; Horrox 1994b, 329). Impositions were becoming more prominent than concessions.

The steward was amercing tenants in greater numbers and with greater frequency, and their discontent bubbled to the surface of the records. On the part of the administration, their increasing demands and refusal to compromise were also more apparent. Frustration with the lack of improvement in the condition of the estate engendered increasingly oppressive policies, with less patience for the footdragging reluctance of the peasantry and less sympathy for their condition. In 1355, disgust at widespread decay led the steward to issue an estate-wide order that each tenant repair his or her tenements (PRO DURH 3/12, f 146r). In Hamsteels, Gray restored an older, higher rent because he suspected that the current rent was due to gifts by estate ministers and had not been raised earlier when the land changed hands (PRO DURH 3/12, f 160r). Those same villagers had been under pressure from the steward for some time. He fined all those who owed suit at the Burnhope mill but refused to mill there or contribute to its upkeep (PRO DURH 3/12, f 125r). In Lanchester, the tenants claimed to have fined for their meadows as they did for other lands, but Gray refused to accept this explanation (PRO DURH 3/12, f 160r). In 1355, Gray had allowed the tenants of Killerby to pay cash in lieu of renders of malt and labor services (PRO DURH 3/12, f 151v; Horrox 1994b, 328). In 1357, he cancelled the monetary payment and demanded that the tenants render malt and services as they had long before (PRO DURH 3/12, f 164v). The steward commanded those tenants who owed works at Sedgefield to pay them in money for the next six years (PRO DURH 3/12, f 121r). He assigned a higher multure rate to the tenants of the demesne lands of Bishop Wearmouth and surrounding areas, because the tenants claimed to fall under a different system of assessment than rest of the estate did (PRO DURH 3/12, f 148r). Hardship was no excuse. The tenants of Easington were ordered to begin payment for some moorland, valued at four pounds and due at Martinmas. No grace was to be had from either Gray or his master, but the tenants were so poor that they were unable to pay (PRO DURH 3/12, ff 120v, 148v).

These demands must be linked to the continued incidence of tenants abandoning their lands. These were not serfs fleeing the bonds of servility, but ordinary free men holding customary lands who simply could not meet the demands made of them and who hoped to find a better situation elsewhere. Their free status meant they could leave, but only if their rents had been paid; else they were liable to distraint or capture, to force them to return and pay what was owed. In some instances, the coroner had to take security from a potential fugitive's goods and chattels to prevent flight, for if a tenant

fled it would be harder still to collect the arrears (PRO DURH 3/12, f 138r). However, many men, like Roger Baret of Newton Cap, owned no chattels upon which distraint could be made (PRO DURH 3/12, f 123v). When the tenants of Killerby had begged to commute all the customary rents, renders, and works due from their lands because they could not work their holdings successfully under the current terms, Gray had the commutations recorded secretly to avoid setting a bad example for the other villis (PRO DURH 3/12, f 130r; Horrox 1994b, 328). The resistance to these measures was increasingly dramatic and large-scale, as more and more tenants, and even entire villages, began to defy the bishop. Three men in Chester-le-Street surrendered their tenements "without cause" and in "disrespect of the lord bishop" in 1356 (PRO DURH 3/12, f 133r). Others left, or tried to leave. Early in 1355, Hugh Carter and his wife, Alice, with the aid of tenants from Thrislington, abandoned their land at night along with all their goods and chattels, including two quarters of oats, seven head of cattle, and numerous other livestock, taken "with force and arms" (Britnell 1990, 37; PRO DURH 3/12, f 128r; Horrox 1994b, 331). To protest the fine and demands regarding milling directed at the tenants of Hamsteels mentioned above, all tenants who owed suit at the mill surrendered their tenures until the steward came to render judgment (PRO DURH 3/12, f 125r). All but one of the tenants of Ricknall left their lands, and the steward held the coroner, Peter de Hessewell, responsible for the rents. In this case, their flight was due to William Standupryght, who was "so quarrelsome and malicious" that no one could stand him (Britnell 1990, 40–41; Horrox 1994b, 331; PRO DURH 3/12, f 130v).¹³ One wonders whether his name might imply a reputation for moral policing and attempts at social control (or perhaps the reverse); it seems that he later ended up in the Priory village of Aycliffe (*Bursar's Rentals* 110). In any case, the situation in Ricknall was exceptional, but across the estate tenants began to express their exasperation, particularly with the bishop's harsher policies.

To make matters worse, while many people were suffering others were improving, if not thriving. Sir John Eure had taken advantage of the times to acquire the punderland of Wolsingham, taking the profit of the land for himself while thrusting the burdens of the office onto the tenants, and other men no doubt attempted similar schemes. Many more simply leased or worked vacant lands at incredibly low rates, because they had the resources to do so or could take advantage of economies of scale. Prominent among these were estate or county officers, especially the coroners and manor bailiffs, who often received their offices for life in addition to lands let at very low rents.¹⁴ Men such as John Boner, Richard Stere, and Roger de Tickhill

appeared frequently in the records, and rarely to the average tenant's advantage.¹⁵ They took vacant lands for themselves when no one else could, and sometimes even when others could take the land (PRO DURH 3/12, ff 19r, 63r). They extorted bribes in exchange for concessions. The tenants of Cornforth requested that they hold their lands for 1354 under the same terms as before. The reeve negotiated a deal with William Louper "for giving the bailiff such an amount that he will be able to induce others to perform the works at the manor" (PRO DURH 3/12, f 112v). In their administrative capacities, these men identified tenants who were not paying their dues or who were capable of working more land. Challenges to status and claims for leniency passed through them on the way to Gray and the bishop, and as the men most familiar with local conditions, many decisions were up to them. They were less willing to make concessions, as in the case that led to the protest at Bishop Auckland. When Sir Thomas Gray granted Beatrice Baret of Coundon a license to exchange two acres of "worse" land for two acres in the bishop's hand back in 1352, it had been at the discretion of Roger de Tickhill, who was empowered to demise the vacant lands of Coundon at a shilling per acre (PRO DURH 3/12, f 63r-v). Likewise, coroner Peter de Hessewell was ordered to demise all the vacant lands of Bishopley to William Blerthorn and all others who wished to take them (PRO DURH 3/12, f 64r). Unfortunately, the records do not always reveal what office a man held, and it is possible that some held multiple offices, possibly even at the same time. Thus, when the tenants of Stockton made a deal with Richard Stere regarding how much he would extract from them for works services, we do not know if Richard were acting as the bailiff of the manor or as coroner, or even if he was both at the same time (PRO DURH 3/12, f 113v).¹⁶ We also do not know if he was trying to extort more than was customary, or if he were trying to demand labor rather than money. It mattered little to the tenants of Stockton. They had to deal with a man with power from a position of weakness.

The peasants probably saw steward Sir Thomas Gray as their chief oppressor. He could do anything another officer could do, but with more power and authority. Very often, matters in the halmote ended unfinished, merely stating that something would be done "as the steward pleased" or that "he would see what was to be done." It was Sir Thomas who pressured juries into naming those capable of holding more land, and then imposed those lands upon the unlucky ones chosen. He often decided what rents to exact. Likewise, it was up to him whether someone received remission of rents or other favors or mercies. Such demands may not have even been above the board, as when Thomas Brakes of Stanhope claimed

that the steward had promised him a tenement because he had found that a penny was being concealed from the rent (PRO DURH 3/12, f 124r). This incident also shows the divide-and-conquer approach that Gray took, encouraging the tenants to turn on each other while Gray ratcheted up the pressure. Bishop Hatfield and his council undoubtedly were the ones exhorting Sir Thomas to increase estate revenues, and he was willing to do whatever was necessary to see that it was done. All the estate officers were tightening the screws, passing on the pressure applied to them. William Louper, probably a coroner but not named as such, was required to find pledges "body for body" that he would be prepared to account for all the goods that he received for the lord during the pestilence (PRO DURH 3/12, f 128v). As these men bore down upon the tenants for both official purposes as well as profit, they began to goad those same tenants into action.

THE BACKLASH

Around 1354, the language of the records begins to reflect increasing conflict between the bishop and his tenants. One might expect the records to remain rather dry and sanitized, but the language echoes the emotions of both the tenants and the administration. While the actions and infractions reported were frequently the same as before, their number was increasing rapidly; Hilton and more recently Franklin have argued that such an increase is a particular sign of a peasant "movement" (Hilton 1949, 130–31; Franklin 174).¹⁷ More importantly, the tenor of the incidents was changing. Peasants attacked seigniorial officers and broke arrests. The halmote books now recorded peasant actions that infringed upon the bishop as "malicious" and "willful," ascribing them to "antagonism" or "contumacy" (*contumeliam*) towards the "well-being" (*commodum*) of the bishop. These were direct affronts to the bishop, targeted snubs that went beyond everyday resistance or opportunism. Britnell observed the variety of resistance on the bishopric, concluding that many of the "minor protests . . . unsupported or sabotaged by their neighbors, could achieve little" (1990, 41). "Only a successful revolt against the principle of committing land could have freed villagers from the need to protect themselves through cooperation with the bishop" (38). These were not minor or isolated protests, however. A peasant movement was beginning in the bishopric, as individuals and groups began to reject the bishop's authority. Although not a rejection of impositions, this was a revolt, and it would be partially successful.

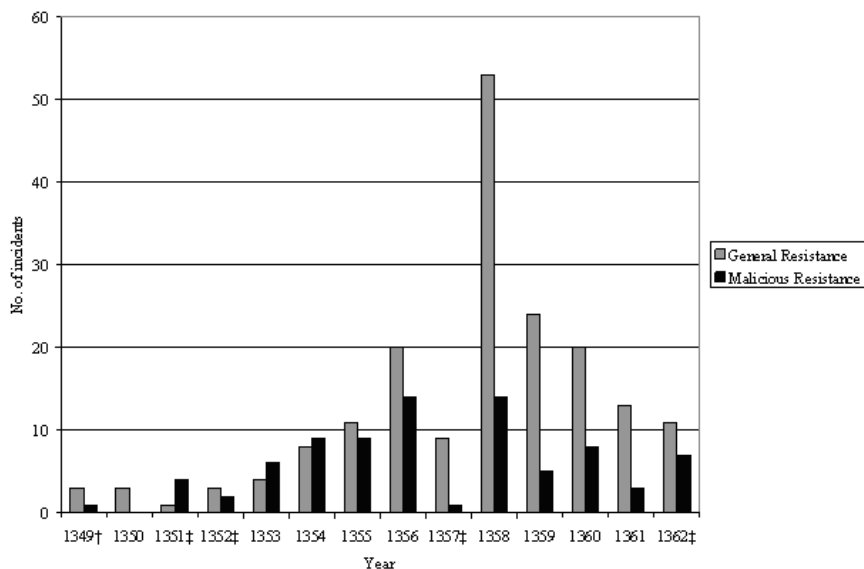


Figure 6.1. Peasant resistance on the bishopric estate. “Malicious Resistance” denotes actions and words done “in contempt,” “in derision,” “maliciously,” and “rancorously,” against the bishop or his rights. These totals include some actions from Figure 6.2, if they were done “in contempt of the lord bishop.” “General Resistance” includes all other actions of direct resistance to the bishop, such as insults to or rescues from seigniorial officers (coroners, manor sergeants), disrupting the halmote court, and refusing to provide food and lodging for estate officers. Breaking of warren is not included, as it was normally done by well-heeled outsiders.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

The small number of “malicious” incidents in Figure 6.1 should not be underestimated because of their numbers or because most involved only individuals. These were the overt acts of resistance by the men who dared to confront the bishop openly. It took a lot of guts or a lot of anger to contradict the steward in open court. These men either were agitators or the men who would take no more and allowed their frustration and anger—their hidden transcripts—to burst into the open. Although few joined them in their acts of defiance, far more peasants agreed with them, but sought to express their feelings in a less confrontational manner. Instead, they resisted in a myriad of little ways, such as arriving late at court or skipping the session altogether.

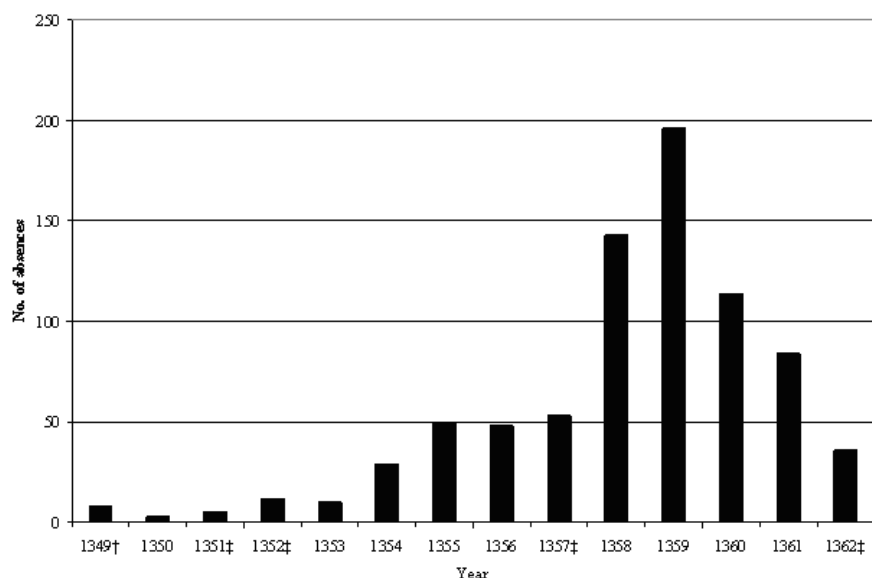


Figure 6.2. Individual absence from the bishopric halmote court. Only individual absences are included; in years when entire villis absented themselves, the numbers would be substantially higher.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

The number of men and women avoiding the seigniorial institution that was the halmotes is a clear indicator of the rising sentiment against the bishop. There had always been some absences, usually to avoid being impleaded, but this began to change. Tenants increasingly refused to attend the halmotes, and some villis absented themselves completely; in the autumn of 1355, fourteen villis were either late or did not show at all. The absence of an entire group of suitors, or an entire village, was an easy way to protest the extortions as the court was the main forum for justice and administration for many peasants. Showing up late was another mark of disrespect, as was leaving early, and this became increasingly frequent. For example, all but one of the tenants of Bishop Middleham left court early in the autumn of 1356 (PRO DURH 3/12, f 156v). The following spring, eleven Boldon tenants had not shown up on time and were amerced 6d. each, and the whole villis of Whitburn-cum-Cleadon were absent "and it is suspected that they are absent because of ill will" (Britnell 1990, 42; PRO DURH 3/12, f 161v). It was natural for

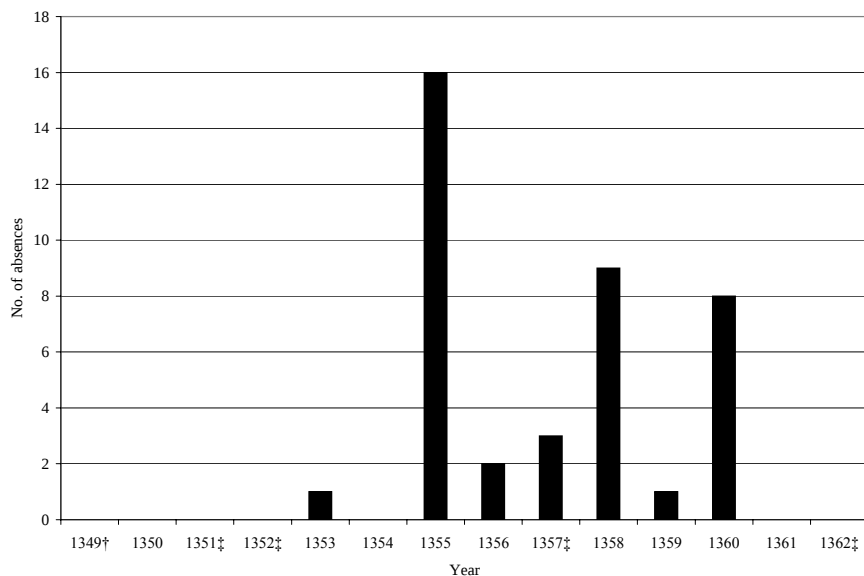


Figure 6.3. Village absence from the bishopric halmote court. Absences excused by the steward are not included.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

individuals to miss the court now and then, particularly if they feared being impleaded, but by 1354 absence had manifested as resistance against the bishop and the court that symbolized his authority. This was noncompliance at its height, not so much open disrespect as a withdrawal from the system. When villagers showed up, they did not behave. Disturbances in court were common, often described as being in contempt.¹⁸ In the autumn of 1356, John Gudeson was amerced for encouraging those tenants who wished to fine (for land?) not to do so. The courts, as a symbol of seigniorial authority and as the main forum for enforcing the lords will, were themselves under attack. This ill will, previously lacking except in isolated, individual cases, was now appearing regularly throughout the estate.

The movement was largely one of noncompliance, and this perhaps made it even more powerful. Another symbolic element in this movement was the refusal of peasants to perform their duties and services. This threatened the estate system, and thus the bishop's revenues, further demonstrating that the tenants were withdrawing their participation in the estate. Many

mills lay in disrepair despite frequent orders to repair them, and the same was often true of tenements. In the spring of 1356, all but two of the tenants of Byers refused to take their "farm" to the Bishop's Exchequer (PRO DURH 3/12, f 143r). The husbandmen of Sedgefield were ordered to go to Durham on the Wednesday after the feast of St. Cuthbert to compound for their labor services in money, either because they had failed to do so at the correct time or so that they would face the full brunt of the bishopric administration and its records (PRO DURH 3/12, f 141r). In the summer of that same year, the entire vill of Norton refused to undertake a similar journey (PRO DURH 3/12, f 136r). Peasants processed timber, grain, ale, and other commodities, or bought and sold these off the fee in contravention of the bishop's monopoly, flouting his authority and exhibiting little regard for his rights and privileges.

The change in the tone of the halmote records is striking; the clerks had rarely used such language earlier. The atmosphere on the estate was changing. There are two possible interpretations. The first is that such feelings had always been there, on both sides, but had been hidden behind a façade to maintain functional relationships. That is, the nature of the resistance was masked, and the bishop accepted that mask, as the sides tried to negotiate. The bishop and steward turned a blind eye towards such infractions to attempt to placate their tenants, accepting a few lumps in hopes of a greater overall return. Now, however, after frustration at an inability to generate income and the continuing resistance by the peasants, the steward had the clerks record the real seigniorial interpretation of the resistance. The gloves were off, and some of the hidden transcripts—both peasant and seigniorial—were revealed. Alternatively, this represents something new. The case was made in Chapter Five for increasing pressure from about 1353 onward, in part through a reduced willingness on Gray's part to compromise with the tenants although the full extent of the reaction is unknown. Increased resistance and the flouting of Hatfield's authority would be the logical response. If the alternative interpretation of the Durham Nine above is accepted, then clearly the peasants knew how to strike back, attacking Hatfield's privileges and authority while demonstrating the impotence of his officers.

Solidarity was not universal; sometimes, one or two men were excused amercements because they alone of their villages had shown up for court or to perform works. Many complied silently, unhappy but unwilling to do anything about it. This undoubtedly caused problems, but other divisions arose in part because of the bishop's policies (Britnell 1990, 34–39). Neighbor turned against neighbor, but for many reasons. The strain of the economic conditions and Hatfield's feudal reaction caused dissension as well as

collective action, often indirectly, and some peasants were taking their frustrations out on their neighbors. Although not to the extent seen against the bishop, malice towards other tenants was on the rise. Intrapersonal conflicts worsened and fights appear more prominently as economic hardship and seigniorial demands made life even harder. The greatest resentment often was reserved for the village officers, however. Tenants refused to come at the reeve's summons. They cursed jurors and called them liars; they retrieved goods and animals from the reeves and pinders, and some of these rescues were described as being "in contempt of the lord bishop." The officers been had carrying out Gray's orders and were participating in the feudal reaction; these were the same men who helped Gray impose vacant lands on their neighbors. Now, they were sharing the resentment of their neighbors with the steward and bishop. The reeves and jurors were caught between lord and peasant.

One of the more visible expressions of this pressure was the election of distinctly unqualified men to village office. The vill of Blackwell in 1355 elected Thomas Acris as reeve "against their conscience and in derision of the lord bishop," earning them a half-mark fine. Another man was chosen

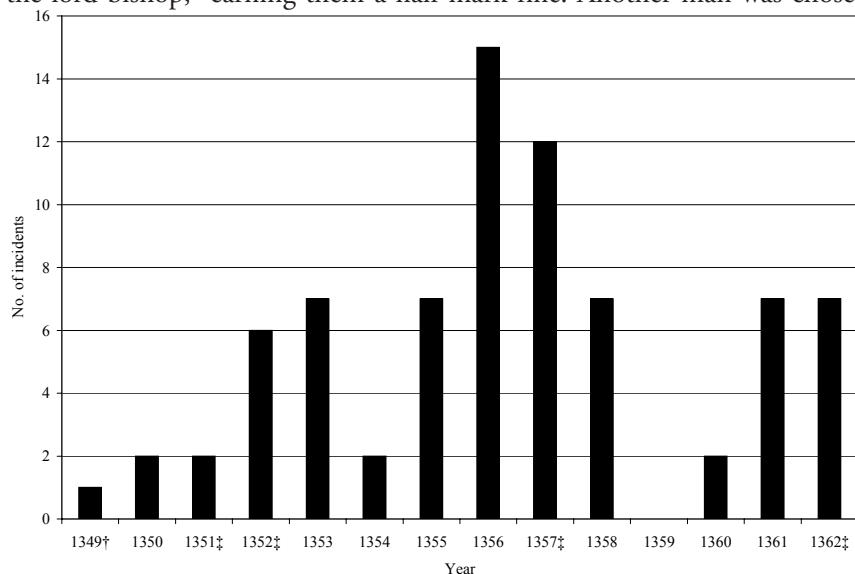


Figure 6.4. Pressure on village officers by fellow villagers. The figures include attacks, rescues, and slander against village officers. Rescues from pinders are not included.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

to be reeve through arbitration (PRO DURH 3/12, f 129v).¹⁹ The village of Chester-le-Street refused to elect a collector, and the steward amerced them for their temerity (PRO DURH 3/12, f 146r). During the elections of 1356, the tenants of Stanhope elected a collector with poor eyesight “in derision of the court” (PRO DURH 3/12, f 144r). The affront was compounded when the old collector refused to teach the new man how to execute the office, and Gray punished them with a fine of half a mark for this blatant disrespect. Such expressions of unhappiness through elections were common. The villagers of Hamsteels elected Richard son of Peter and his “associate” (*socio suo*) to fill the office of reeve *contra conscienciam* (PRO DURH 3/12, f 132r). Another manifestation of the social and political difficulties facing the village officers was the refusal of men to serve in the office, something all but unheard of in late medieval Durham, before or after. In Carlton, the man elected as reeve refused to accept the nomination (PRO DURH 3/12, f 182v). The men of Whickham elected William Adyson, but William refused to accept the office and so Gray fined him 3s. 4d. (PRO DURH

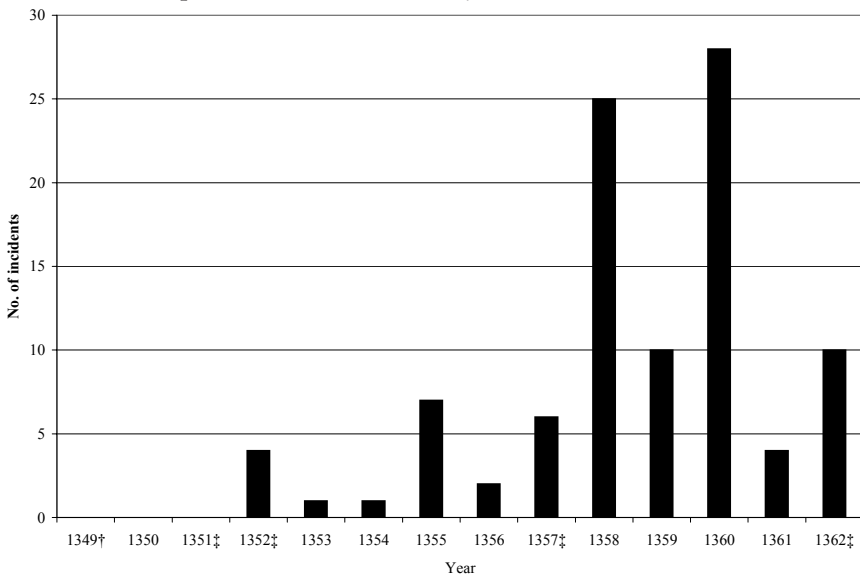


Figure 6.5. Village officer defaults on the bishopric estate. This includes failure to present offenses, perform audiences, and attend court by jurors reeves, pinders, and collectors.

Source: PRO DURH 3/12.

† The spring tourn is mostly missing.

‡ One tourn is missing.

3/12, f 118r). He changed his mind, but Gray insisted that the fine be collected because of William's "animosity" (*contumeliam*). Acceptance of the office was no indicator that the man elected was satisfied, either with the election or with his duties for the bishop, and many elected village officers failed to execute their duties. Frequently, reeves balked at arresting supposed malefactors or distraining their neighbors for failure to perform services. Juries hindered and obstructed inquiries by refusing to present offenders or provide information when requested. This may have signaled a breakdown of the village community; alternatively, a temporary class-consciousness was coalescing, and the officers were under pressure to show solidarity or else be branded as collaborators. The concealments in court, the refusal to execute duties, and absence from court indicate that many of these officers were trying to keep a low profile or even side outright with their neighbors.

Taken together, the individual and collective resistance threatened to render the estate dysfunctional, eroding further both the bishop's income and his authority. Disorder could be suppressed, but this was a more difficult situation to overcome as so many tenants were disobeying, either actively or through noncompliance. The village officers especially symbolized this threat because of the confluence of their functions and their role as intermediaries between lord and tenant. The reeves, jurymen, pinders, and other officers did not simply carry out the orders of the administration. They were the eyes, ears, and arms of the estate, responsible for detecting and reporting many offences and infractions and then arresting malefactors and levying attachments and amercements. Simply, they made the system work. The coroners and their bailiffs had a role and could compensate partially for the village officers' lack of cooperation, but the number of peasants involved hampered their efforts. There was only so much that they could do now that village officers and jurors concealed infractions as well as relevant data for deciding inquiries and refused to hand over important information regarding the tenants in their village. The village officers' refusal to act highlighted the extent to which the system depended on them. If the pinder would not impound animals trespassing on the bishop's land, who else would? Who would attach a tenant to appear in court if the reeve failed to do so? How would the bishop receive his rents if the collectors failed to collect them? The same qualities that made these men such effective organizers of the village community for communal and estate agriculture made them equally proficient at organizing resistance to the lord, and the presence of these men has been noted in local and national protests throughout England (Dyer 1984; Hilton 1973, 88–89; Hargreaves 53–54; A. DeWindt; Müller). To begin with, they were elected by the tenants, and had to live among them. In the most harmonious of times, these men were never

simply the lord's creatures, but struggled to balance the demands of the estate with the expectations of the tenantry. Village officers seldom wished to incur the wrath of fellow tenants, fearing a variety of sanctions. The villagers certainly were not afraid to resist them, whether by intimidating them into not fulfilling an order or retrieving impounded goods and beasts. The village officers had to choose, the lord or the neighbors, and many chose the latter.

Solidarity was not complete, and did not mean an end to rivalries and conflicts among peasants; in many ways, it seems that these interpersonal conflicts increased as solidarity increased. Despite these conflicts, possibly even generated by the resistance against the bishop, the villages were able to resist the steward's demands effectively and even go on the offensive themselves. Some tried to spite the bishop and his reaction head on, trampling crops, breaking hedges and fences, stealing brush, rendering verdicts and views contrary to the bishop's wishes, even mocking the intelligence of the estate officials. Others tried to opt out of the system, refusing to go to court or repair the local mill, hiding facts or refusing to participate in inquest, passively resisting and obstructing the workings of the estate.²⁰ Tenant actions became more dramatic and aggressive, involving more and more tenants. The situation from 1355 to 1357 anticipated what Poos found in Essex in the 1370s: "a rising crescendo of resistance . . . in part in the form of individual acts of defiance but also, it would appear, increasingly in the form of group actions" (1991, 240). When John Libras was presented for fishing frequently in waters belonging to the bishop, he claimed that he did no wrong because "the bishop does not have warren in the bishopric except in three locations," a ridiculous claim that showed great contempt for the bishop's right (PRO DURH 3/12, f 135v). The number of tenants amerced for breaking closes continued to increase, and the actions were attributed more frequently to ill will, as when twelve men of Norton were amerced 3s. 4d. each in autumn 1356 for hedgebreaking "maliciously and willfully" (PRO DURH 3/12, f 157r). The halmote records described men as being "rebellious" against orders and commands, no longer simply failing to carry them out. Offenses became graver, and in some instances the fines did as well. Throughout the estate, officers failed to do their duties; when they tried, the tenants resisted them. The feudal reaction and peasant resistance were at their peak. The events of Durham from 1355 to 1357 are extremely similar, and of the same nature, as the events and resistance leading up to the Rising of 1381 in eastern and southern England. Although there had yet to be any riots or felonious activities in Durham, judging by what happened elsewhere in England both before and after, such events may not have been far off.

PEASANT VICTORY?

Late in 1357, Bishop Hatfield acted to head off the escalation of disorder. In December, he appointed a commission to hear and try complaints against his “stewards, constables, sheriffs, chief foresters, and other ministers” regarding their “oppressions” (Britnell 1990 41–42; PRO DURH 3/30, m 12d). The three commissioners, John Moubray, Roger de Blaykeston, and Peter de Richemund, were to publicize and hold sessions at which tenants could bring complaints and accusations, the justice of which was to be decided by trustworthy men of the county. None of the commissioners had any strong connection with the estate or had served regularly as justices, and this was probably the reason that the bishop named them to the commission.²¹ This is a further sign of Bishop Hatfield’s seriousness in dealing with the problem. Instead of having the usual suspects head the commission, he appointed new men whom his tenants would have little prior reason to mistrust. Peculation, corruption, and oppression on the part of ministers were neither surprising nor uncommon in medieval England; still, there were limits, and the peasants felt that the ministers had crossed the line. It is surprising that the commission implicated Sir Thomas Gray, the steward and the bishop’s most trusted officer. Hatfield removed Gray from office and allowed charges to be brought against him, although there is no record of any charges being brought. The bishop was bowing to tenant pressure, and Gray’s dismissal was intended as a sop to placate the peasantry’s anger.²²

The scope of the commission and its timing indicate that it was addressed directly to the problems of the customary tenants of the bishopric; otherwise, the bishop would not have punished the manorial officers so prominently. Once it became clear that Gray and the other ministers had ceased to be effective, Hatfield intervened to salvage the situation. Stere and the others were duly punished as scapegoats, whether they were personally guilty or simply following the orders that Hatfield passed on to Gray. To maintain his standing, Hatfield repudiated his earlier policies and turned his back on his own men. This brought a temporary respite; even though one tourn of the halmote book for 1357 is missing, resistance declined substantially. Hatfield’s actions headed off the “rising crescendo of resistance” before it reached open revolt.

This peasant movement drove Hatfield to action, before serious rebellion and property damage. The year 1357 represented a truce; the question is, how long would it last? The peasants had gained confidence and had realized their power and discontent. One commission was not

enough to satisfy them permanently; they needed to see real change. As will be seen, it did take some time. Nevertheless, 1357 was a turning point for the administration of the estate. The feudal reaction was over, even if this was not realized fully until 1358 or 1359; but reactionary policies would not work in the face of peasant resistance. Instead, Hatfield and his ministers had to formulate a new policy, one that would retain the bishop's authority and rights while accepting the changed conditions. Beginning in 1358 and on into the early 1360s, the bishopric officers would take a new approach in dealing with their tenants. As Britnell noted, the policies still reflected a feudal reaction (1990, 42). The new techniques were different and the new stewards looked to more defensible demands, and so their actions no longer comprised a reaction. This did not signal the end of seigniorial authority or initiative, however, and it did not end the resistance, but it did mark a significant shift in lord-peasant relations. The most hated aspects of the reaction all but disappear, such as the impositions of land and the use of labor services. A new emphasis on land and tenure replaced those elements, and new customs of lower, regular fines replaced much of the uncertainty in fines and exactions of the earlier 1350s. The stewards maintained their authority, but perhaps not to the same extent, and the halmotes began to focus more on peasant interests.

Those peasants twice had successfully challenged the bishop's aggressive attempts to solve the problems created by the Black Death, most recently by a wave of resistance throughout the estate. Authority and resistance would continue, but in different ways; Hatfield's new steward would shift priorities, and after initial resistance this would lessen collective resentment and allow peasant resistance to revert to individual opportunism resembling the early 1350s or late 1390s. The Black Death had changed the social and economic landscape of Durham, and both the lords and the peasants had to grapple with this. Unfortunately for the bishop, the dynamic was shifting in favor of the peasants; but this did not mean he, or other lords, were powerless.

Chapter Seven

Administrative Changes, 1358–1384

The years immediately following the Black Death saw despair, anger, and upheaval on the bishopric estate; although there are no fourteenth-century halmote court rolls from the Priory from before 1358 and no evidence of any feudal reaction, it is no stretch to imagine that these years had been difficult there as well. The following decades saw continued adjustments in manorial economy and village society on both estates. Unfortunately, for most of this period little survives for the bishopric estate, while for the Priory, the halmote court series is almost complete from 1364 on and may be supplemented by incredible amounts of accounting material, with the Bursar's Rolls being among the most important for present purposes. This evidence reveals important changes on the Priory estate, both in the administration of the estate and in the bursars' dealings with the tenantry. Based on later evidence, there was strong continuity in policy on the bishopric estate as well. While the full history is irrecoverable, an examination of what happened from 1358 to 1362 will provide a strong sense of what likely was going on in subsequent years as well as demonstrate the increasingly different seigniorial policies of bishops and bursars.

What is clear is that both bishops and bursars had little hope of generating and then sustaining economic recovery with a recalcitrant peasantry, and both would prove unwilling to employ the oppressive methods ultimately necessary to bring the peasantry to heel. The peasants were not powerless, and so seigniorial policies would have to be altered to cope with the changed economic and demographic situation. As for that situation, the sources do not support traditional analyses, especially of Durham's demography, so it is very difficult to do more than speculate broadly. Many peasants claimed to exist on the edge, barely able to get by, and their actions and the condition of their holdings (and the administrations' responses to these) lend credence to these claims. There would be further outbreaks of the plague in Durham, but the severity of these incidences is more difficult to ascertain.¹ The population may

have been rising or declining slightly, or even holding steady, but it certainly did not seem to be changing with any rapidity.

Economically, there were some bright spots. Dodds found that tithe receipts on the Priory estate began recovering in 1355, indicating that agricultural output had increased to what the bursar might have considered “normal,” or at least acceptable, levels (2002b, 9–15; 2005a, 176, 179–184). This was good news for the Priory, but it also reflected improvement, or at least greater stability, for the peasants as they adjusted to life after the Black Death. Furthermore, the peasants were willing to take up new lands; although vacant lands remained, the practice of imposition declined and tenants could be found for the core lands. There was also a shift in the bishopric marriage market concerning the *vidue domini*, the bishop’s widows. Prior to 1358, higher fines had been demanded from bishop’s widows than from women marrying for the first time. After 1358, the average levels of the fines for the various groups of women began to converge. This may indicate that the age and land distribution of the population was becoming more balanced. New households had formed, and tenurial stability resulted in less of a demand for widows with land.

Lords and tenants began to see some rays of hope and adjusted accordingly. Both administrations faced the challenges of implementing policies to improve their estates further and doing so without angering their peasantries to any significant degree. The situation required them to juggle their immediate needs with their long-term visions while an unpredictable peasantry and an even more unpredictable disease added further variables. Both administrations preferred to draw upon centuries of management experience, but sometimes they had to think more creatively and many of the new policies have a touch-and-go feel to them. Even when implementing new ideas and modifying old ones, the bursars and bishops did not make the changes permanent until the new methods had proven their worth. However, though the policies often were *ad hoc*, the seigniorial agenda was clear: increase revenue, fill vacant tenancies, and maintain rights and authority. The resultant changes were both planned and spontaneous, executed both directly and sporadically, drawing on old techniques and ideas as well inventing new ones. These practices solved some problems resulting from the plague, did little about others, and created new difficulties as well; as for the peasants, they accepted some of these policies and detested others.

CLEANING UP AFTER 1357

Hatfield’s apparent acquiescence in the face of peasant resistance satisfied them for the moment. However, while Bishop Hatfield softened his stance

towards his tenants and ended his aggressive “feudal reaction,” this was far from a capitulation; as Britnell notes, “[t]he policies of feudal reaction are as much in evidence in the late 1350s as before” (1990, 42). Hatfield reshuffled his officers and launched an investigation into their misconduct; at the same time, his new ministers continued with a strong policy. However, this was no longer a feudal reaction in the strict sense. The former Receiver, William de Westle, was now steward, and he began to come to terms with the tenants and the changed conditions. The imposition of land, the emphasis on status, and the strict enforcement of dues were highly unpopular and provided a cause around which the diverse tenants could rally; in fact, the resistance he faced was equal to or greater than that of 1356. The reasons for the continued resistance are simple; de Westle largely continued Gray’s policies while adding new ones of his own, and apparently the oppressors of the peasantry had yet to be punished. Thus, resistance peaked again in 1358, finally forcing de Westle and Hatfield to change course for good. The multi-faceted resistance had rendered futile the bishop’s attempts to strong-arm his tenantry into acquiescence. Now, de Westle had to deal with those tenants and defuse the movement that had defeated Gray.

The autumn tourn of 1357 was “unusually lacking in examples of coercive estate management” (Britnell 1990, 42). This is deceptive, and likely represents a transition until de Westle took over. There is no record in the palatine chancery rolls of de Westle’s commission as steward, but he held his first halmotes as steward in the spring of 1358.² He diligently and energetically continued to uphold seigniorial authority. The first year of his stewardship he encountered heavy opposition; it was not until he shifted his focus to land and tenure rather than dues and services that resistance waned. Some of that resistance in 1358 is illusory, reflecting old infractions that de Westle discovered in his investigations; however, concealment by jurors and refusal of officers to make distraints increased. De Westle and his successors soon calmed peasant discontent while pursuing an active and vigorous policy, in a new way, avoiding conflict while maximizing opportunities and rights. In the language and actions of lord-peasant relations, the halmote records of the late 1350s and early 1360s resemble those of the 1390s or early 1400s more than the high point of the feudal reaction. The business of the courts reflects this transformation of policy as well, indicating that more than the language used had changed. De Westle focused less on enforcing seigniorial dues, and instead concentrated on the bishop’s lands, retaining the earlier vigor but redirecting it. The first most visible aspect of this new thrust was enforcement of rules on subletting. Although T. Lomas found little subletting in his study of southeast Durham (1976, 112–114), subletting was a widespread

practice throughout much of the bishopric estate; when those sublets were illegal, this provided Hatfield's new steward with an opening that he could exploit. During Gray's stewardship, almost no incidents of illegal subletting came before the halmotes, and very few licenses to sublet were issued. However, subletting was common, and apparently done without license. De Westle immediately targeted those tenants who sublet or exchanged their lands without license (Britnell 1990, 42); he rarely confiscated those lands, fining them instead and requiring them to purchase the necessary licenses. The steward's probing revealed a score or more illegal sublets in many villages; for example, the estate and village officers presented twenty unlicensed sublets in the village of Whickham alone, while another jury found fourteen buildings in Sedgefield sublet illegally as well (PRO DURH 3/12, ff 178v-179r, 182r). In the spring of 1358, the total number of entries regarding subletting (licenses and amercements for subletting without license) was two hundred one, with only slightly fewer instances the following summer (one hundred ninety-two). The amercements of these infractions often accounted for half or more of the entries in the halmote books for a vill. The change in business is overwhelming, as subletting (legal or not) hardly appeared in earlier tours. After de Westle's initial probing and amercements, subletting as an element of halmote business dropped swiftly to about twenty entries per tourn in the early 1360s, and incidents of concealed sublets all but disappeared. Probably to forestall such problems in the future, it soon would become common for new landholdings to include a license to sublet for a nominal surcharge, and thus subletting quickly declined as a major item of business in the halmotes.

This investigation of subletting accompanied increasing concern over the dilapidation of holdings. Again, while holdings in Gray's time certainly were becoming run down, concern over their repair was minor, even inconsequential. The focus on the condition of holdings is due to de Westle, and like subletting, begins almost immediately after he began holding the halmotes. In the spring of 1358, only six instances of deterioration of tenements were presented (PRO DURH 3/12, ff 175r-184v). However, de Westle saw this as a major problem, as during that tourn he issued an estate-wide command to those who had neglected the maintenance of their holdings to repair them (PRO DURH 3/12, ff 175r-184v). By the end of 1358, de Westle had imposed more than a hundred amercements for dilapidation of buildings and tenements, and the investigation peaked in 1360 with two hundred fifty-seven instances reported. Most of these amercements were directed at tenants for their holdings, but the steward found problems with village buildings and on the demesnes as well. De Westle amerced the tenants of Whickham for failing to maintain the pinder's house (PRO DURH 3/12, f 199v), and he

put the lessees of demesne lands under especial scrutiny to keep the appurtenant buildings in good shape (PRO DURH 3/12, f 263r). Holdings in disrepair would be a continuing problem, but de Westle enjoyed some success; in 1361, only three holdings were presented. To judge by entries in the halmote books, after 1361 de Westle and his successors had ceased to regard disrepair as one of the more significant problems requiring remedy.

Subletting and deterioration were part of a broader program of seeing the terms of holdings properly documented and regulated. In 1358, de Westle required the jurors of each vill to provide a written list of all tenants (Britnell 1990, 42). They resisted at first, but the information eventually was forthcoming, although some villis held out until 1360. The steward demanded that many tenants show in court the written proof of their holdings and rents, probably requiring them to produce their copy (*copia*) of the terms. What de Westle wanted to see was decisive proof of the tenants' claims of lower rents and services. When three tenants at Heighington failed to show their evidence for the rents they claimed, de Westle amerced them and reinstated the older, higher level of rent until the three proved that the lower rent was legitimate (PRO DURH 3/12, f 195r). The lessees of the demesne lands at Houghton were fined because they could not prove that they had leased the labor services as well, as they had claimed (PRO DURH 3/12, f 202r). The steward ordered all the tenants of Boldon to have the record of a "contract made in writing between the lord bishop and themselves from olden times" regarding demesne land demised to them (PRO DURH 3/12, f 251v). This was not meanness on the part of the administration or an attempt to reimpose "old" customs and rates, for de Westle duly acquitted those tenants who had their records, as he did for two tenants in Stanhope (PRO DURH 3/12, f 218v).

However, although de Westle could be strict, he was willing to compromise. One such example of compromise concerns the neifs. Although Gray occasionally accepted an albanaria fine, allowing a neif to live off the fee, he was more likely to order the coroner to return the fugitive. Under de Westle's hand, the halmotes shifted from issuing orders to recapture fugitives and bring them back to orders to distrain fugitives to return *or* pay their albanaria (e.g. PRO DURH 3/12, f 252v). Albanaria fines figure more prominently than orders to retrieve fugitives (PRO DURH 3/12, ff 180r–204r *passim*). This was a victory for the neifs, as the bishopric officers acknowledged their inability to retrieve fugitives. At the same time, the fine recognized the bishop's rights, and the bishop received some income; the fine and the recognition of lordship attached to it were far more than the bishop had received from illegal fugitives. Furthermore, inquests proved several men free (PRO

DURH 3/12, ff 228v, 230v, 242r, 244r). De Westle was not abandoning the bishop's rights; rather, he was being realistic in the face of peasant strengths.

Compromise was especially important if it meant filling empty tenures. De Westle initially continued the practice of committing land to individuals or groups, though not with the frequency seen earlier. Older impositions were confirmed and some new ones made (e.g. PRO DURH 3/12, ff 237r, 237v), but the last of the impositions were in 1360 (PRO DURH 3/12, ff 253v, 268r). De Westle relaxed a number of earlier impositions. For example, Simon son of William claimed that he was unable to hold the bondland in Heighington that Sir Thomas Gray had forced upon him, and when a village jury declared that Simon was not capable of working the tenement, de Westle declared him quit (PRO DURH 3/12, f 228r). He permitted those who had abandoned their holdings from an inability to work them to take them up again, and allowed others to divest themselves of lands they were unable to work (PRO DURH 3/12, ff 176r, 185v, 195r-v, 198v, 212v). Other tenants received advantageous rates or pardon of entry fines. When the entire vill of Coundon leased forty-eight waste (*friscas*) acres, the steward did not demand an entry fine (PRO DURH 3/12, f 185v), and similar deals were found in Houghton, Newbottle, Wardon, and Morton (PRO DURH 3/12, f 223v). Disputes over status of land declined, and de Westle rarely took the initiative in questioning tenurial status and obligations, although he charged those tenants who wanted such an inquest for themselves. De Westle was abandoning the most divisive approaches, but likely because he saw greater success through a more relaxed, distant approach towards lands that encouraged tenants to take up lands on favorable terms rather than forcing them to work the lands at old rates. This appeared to work; even William Bacon, the "rich" neif, had returned and in 1360 was leasing land in Ryton (PRO DURH 3/12, f 261v).

The real turning point in lord-peasant relations came early that same year, when Hatfield and de Westle finally got to punishing the men "responsible" for the "oppressions" against the tenants that had caused so much resentment. Although likely related to the commission of 1357, this was done in the halmote courts so as to be most visible to the peasantry. Robert Beverle, sergeant at Bishop Middleham, appeared in court and was fined a mark "for whatever damages and extortions" he had committed, while the executors of Robert son of Adam were fined two marks for Robert's oppression at Stockton. Richard Stere received an even heavier fine, eight marks, for his actions during his tenure as sergeant at Middleham and Stockton manors (PRO DURH 3/12, ff 225r-226r). In none of these instances were specific offenses listed. The bishop's commission may have punished the other officers

separately, in which case it may be that the peasants saw these men especially as the ones who, after Sir Thomas Gray, were the most visible embodiments of the feudal reaction. Their public punishment in the halmote courts was necessary for the final restoration of order and of the bishop's authority and to appease the peasantry at long last. The end of impositions and the punishment of these men largely coincides with the decline of resistance. Hatfield had made promises in 1357, and these had some effect, but it was not until the men had been punished and the worst elements of the reaction had been discarded that the peasants began to relax—to an extent.

De Westle was able to be much more lenient towards the peasantry, but he confirmed the bishop's rights and extracted fines and payments from tenants where he could. When he found that many tenants of Wolsingham were in arrears for commuted labor services for eight years, they were fined 40s. and ordered to pay on time (PRO DURH 3/12, f 239r). Where Gray had failed in filling vacant tenancies and extracting all the old seigniorial dues, de Westle turned towards strict enforcement of all the little rights that the bishop possessed. Continuing Gray's methods would have roused peasant resistance once again, so instead he concentrated on ensuring that those who held land did so properly with the necessary licenses and with the lands and buildings maintained in good condition. In doing so, he continued a shift in the nature of the relations between bishop and tenants away from the old ways of labor services and dues towards a nexus based more on rent. There was now even more focus on the tenancy rather than the tenant. This was not a radical departure, as the process had been underway for some time and even in the later fifteenth century the two estates would cling to vestiges of the old system, but it may have been a turning point in the seigniorial mentality in Durham.

Again, however, this was not defeat. The tenancy situation on the bishopric was improving, though some of that improvement was due to lowered expectations through an emphasis on the core lands of the estate at the expense of the smaller plots and assarts, as R. Lomas found for the Priory main estate (1973, 34–36). Still, the halmote books reflect the relief as early as the autumn of 1357 when it was reported that all the husbandlands of Shadforth were tenanted (PRO DURH 3/12, f 169r). There were other signs of increasing viability. Reported sublets were increasing, indicating that there was a demand for land, albeit small parcels.³ Taking advantage of this increased demand, de Westle began raising rents slowly back to older levels. Often, this entailed imposing incremental increases on the rent of particular tenements over time, as was done with Thomas son of Helen. Thomas took a bondland “long vacant in the lord bishop's hand” at 12d. per acre for the

first four years and after that at the “normal” rate (which unfortunately was not stated) for which he paid an entry fine of only 2s. (PRO DURH 3/12, f 217v). High entry fines had been uncommon on the bishopric estate since 1349, and would soon all but disappear; the market and the peasants could not bear to pay high entry fines, and apparently the bishop’s administration preferred the steadier income provided by rents. The phrase “old rent” (*antiquam firmam*) appears frequently, and the steward treated this as a realistic short-term goal to be achieved in four or five years. By the time of *Hatfield’s Survey*, less than four percent of the land was described as waste (Harris 207), although some rents still remained low (Britnell 1990, 43). The bishop’s officers maintained what they had and increased income and control wherever possible. In these years, they began to reassert the bishop’s rights over the peasantry as well.

SEIGNIORIAL AUTHORITY

Hatfield, through his steward, wanted order reestablished, both in terms of quelling peasant independence and in clearing up the confusion resultant from the Black Death. De Westle refused to abandon the bishop’s rights, but this did not rule out compromise. The treatment of neifs already has been mentioned. There was less tolerance for other, more winnable battles, such as the use of the courts and old, established customs. However, this would not be easy. De Westle had to fine several jurors and tenants in Lanchester and Hamsteels after they failed to follow proper “procedures” (PRO DURH 3/12, f 177v). Tenants and officers still came to court late or left court early, and jurors tried to conceal information, even regarding matters and incidents that were now quite old, as when he amerced the jurors of Ryton for having concealed several cases of leyrwite for many years (PRO DURH 3/12, f 178r). Much of this emphasizes de Westle’s relentless investigations, but again, the lack of pejorative language points to an easier time than Gray had.

De Westle brought his regulatory talents to bear on the many customary services and dues owed by the peasants. To begin with, he attempted to compile the services and renders due throughout the bishopric to counter the confusion seen earlier in the 1350s. Each village was to provide a list of all tenants, and certain villages were directed to produce lists of certain classes of tenant and the services that they owed. For example, the steward required the villagers of Houghton to list all cottars and selfodes “at their own risk,” to enable the administration to collect all the appropriate dues but also to track the peasant labor supply (PRO DURH 3/12, f 252r). These lists

do not survive, but they may have been the forerunners—or even a part—of Hatfield's great survey designed to bring the administration's records up to date. With this information in hand, it was easier for de Westle to detect those tenants who failed to do their services and labor and to amerce them, as he did several women who did not show for their labor services that autumn (PRO DURH 3/12, ff 258v, 266r). This had been something of a problem before, and many peasants had conveniently "forgotten" their obligations. Some of these failures were so common that the amercements may represent an informal commutation of the obligation (a license or a tax), but for other failures, the fine was definitely punitive. Five men of Middridge failed to arrive for carriage duties as summoned in the spring 1358 (PRO DURH 3/12, f 176r). Often, the presentation of these infractions drew attention to continued failure to perform works, sometimes for several years. The tenants of Stanhope had neglected to pay 19s. each yearly for their works for the past six years, so de Westle fined them 40s. immediately and assigned two men to inquire into other defaults (PRO DURH 3/12, ff 238v, 248v, 259v). The tenants of Wolsingham likewise were detected in arrears for works, which the halmote books listed in detail. They were ordered to pay the arrears at Michaelmas next, and to pay regularly henceforth (PRO DURH 3/12, f 239r). Although the demands had lessened and punishments were not harsh, de Westle continually reminded his tenants of their obligations.

The number of infractions against the bishop's rights and resources actually rose when de Westle took over. However, a closer look at many of those infractions reveals the results of a thorough investigation. After all, consider de Westle's investigation of subletting and deterioration of tenements, and his demand to have lists of all tenants from each vill. In several instances, de Westle uncovered infractions that had gone unnoticed for several years, such as eight years of depasturing at Stanhope (PRO DURH 3/12, f 176v). As with sublets, de Westle was cleaning house, and given attitudes to the bishop and the estate under Gray, it is not surprising that he found so much. This would explain the increase in attempted concealments, the refusal of village officers to present, and jurors who absented themselves from court—as well as the invectives hurled against said officers and jurors when they did present their information. The line between resistance and investigation here is hazy. Some of the recalcitrance of the officers and jurors was resistance, but at the same time it is clear that some of these findings reflect earlier actions rather than current attitudes.

From 1357 to 1360, a new lord-peasant equilibrium was emerging. The bishop had lost out on his original feudal reaction. Yet, he also had gained in the ways that de Westle and later stewards seemed to transform amercements

into *de facto* licenses, a trend that began under Gray; rather than engendering conflict, not coming to court or taking brush from the bishop was subject to a nominal penalty of 6d. Entry fines and merchet fines dropped to regular, low levels as well, usually 6d. or 12d. Was this defeat, or making the best of the situation? Later events would point to the latter. De Westle's approach was firm and unyielding, but apparently, not oppressive enough to generate anger, and such infractions dwindled. Whatever the bailiffs and sergeants had been doing to anger the peasantry had ceased; de Westle allowed the peasants to go about their business, but required them to pay for the privilege, and he refused to tolerate certain infractions at all.

By 1360, the bishop and his officers had won back some of the ground lost to the tenants, and they were determined to keep it. From this point, the stewards increased slightly the number of impositions of vacant land onto individual tenants, but the commission of lands to entire villages was limited to confirmation of older impositions. The jurors held most of the responsibility for further impositions of land, and the estate officers, from steward to coroner to manor bailiff, no longer took a role in selecting the recipient. The burden shifted squarely onto the shoulders of the villagers themselves, and the jurors had the primary role.⁴ They had no compunction against forcing lands on other villagers, as they could strengthen their own position in the village and in the eyes of the steward in the process. Building off Gray's approach in this way was a very shrewd decision; putting the onus of selection on the villagers allowed the bishopric officers to wash their hands of the blame and avoid antagonizing entire villages. In addition, this granted the villagers (particularly the elite villagers) a share of the power and patronage. However, this was done in such a way that they needed the bishop to support their decisions, becoming more dependent on the bishop's authority for enforcement within the villages. To an extent, a potentially more equitable assignment of vacant lands mitigated these drawbacks. In some cases, the jurors divided the responsibility of a holding so that one person did not have to work the full holding, as they did in Byers when the jurors split nineteen acres five ways (PRO DURH 3/12, f 237v). However, Sir Thomas Gray often had consulted the jury when he chose unwilling tenants for vacant lands, so this new policy did not guarantee fairness, but overall, the inclusion of villagers in the process reduced hostility against the bishop.⁵

With the aid of his steward, Hatfield had regained the initiative after the peasantry had dealt his program a humiliating setback. He had staked a clear claim to his rights, eliminated the confusion surrounding tenures and services, and, to an extent, restored his authority over the peasantry. There had been resistance, else little of the above would be known. However, little

coercion had been necessary, and the new tactics scarcely antagonized the peasantry even if they did not compel obedience. A new equilibrium had been reached, more favorable to the peasants, but tolerated by the bishop. The bishopric tenants had won in 1357–58, and from hindsight we can see that they would maintain their strong position. Although Hatfield and de Westle had salvaged the situation, calming the tenants while tightening up the administration, these successes came at a price. The coroners and bailiffs were withdrawing from village affairs, and the relation of village to manor was becoming even less important; the steward, powerful yet usually seen only thrice yearly, became even more the primary mediator between lord and tenants. The character of lord-tenant relations in future would depend ever more heavily on the character of the steward.⁶ It was very tempting for the bishops and stewards to stand off from the villages, raking in small but numerous fines that were little more than taxes, while allowing the peasants to chart their own courses. Even though this choice gave much to the tenantry, it did not necessarily signal a weak lord, nor did it mean a complete withdrawal from village affairs.⁷ Instead, it was a shrewd managerial move that would prove decisive, and subsequent bishops and stewards would continue to follow this course.

PEASANT ACTIVITIES ON THE PRIORY MAIN ESTATE

As noted, the lack of halmote records from the years after the Black Death prevents any strong comparison to the feudal reaction of Bishop Hatfield. The surviving halmote rolls give no evidence of any aftereffects of such a reaction. Even if the bursars did not increase and then relieve the pressure on their tenants, their policies from the 1360s onward demonstrate that they were facing many of the same problems as the bishopric stewards, with one significant exception: collective resistance.

The attempts to find stability after the plague revolved around three foci: monopolies, services and rents, and maintenance. This was not a “feudal reaction,” as these policies were old and with no evidence of desuetude. The bursars enforced these older customs with vigor. This approach was oppressive and unwelcome, but as with de Westle’s stringent policies, it did not provoke undue unrest; but the unevenness with which the bursars sometimes applied these policies did create or exacerbate divisions with the communities.

Of especial value to the Priory was the monopoly on buying and selling by the tenants on the fee. The peasantry occupied most of the arable land, and consequently they were the major producers of agrarian products

for consumption and for the market (Masschaele 33–54; Kosminsky 89–94; Raftis 1996; Biddick). The Priory sought to control this production and marketing to its own benefit; as Threlfall-Holmes has shown, this was done largely through the Priory's control of their tenants and the market, demanding rents in grain rather than cash and setting market prices for grain (2005, 76–77, 141–145). As the bishops tightly controlled marketing in the palatinate, such policies were easy to enforce, in particular the Priory's right of first refusal on tenant produce. Some bursars did find it necessary to remind the tenants that they could not refuse to sell to the Priory, though sporadically enough that noncompliance was not a significant issue.⁸ For example, to protect this right in the spring of 1371 the bursar required the tenants of Southwick, Westoe, Pitlington, and Middlestone to buy a license to sell grain standing in their fields (Halm. Rolls Spring 1371). Tenants could not sell their grain before the harvest, as this could affect both the supply and the price of grain to the detriment of the Priory, and likewise they were limited in their purchase options, buying only from neighbors or the Priory when possible.

The bursars and terrars constantly expressed concern over the making, buying, or selling of goods off the fee. Not all such restrictions were unusual, as, for instance, the Priory's regulation of ale was little different than in manors across England. This fit well into the overall pattern of market restrictions. The importation of ale (frequently from Newcastle) was a particular complaint; at South Shields, a relatively heavy fine of 20s. was to be levied on local tenants who bought ale outside the village (Halm. Rolls Summer 1365). The Priory regularly set the price of ale, but the peasants blithely ignored the prices and sold at higher rates.⁹

Ale was the most common commodity regulated in the halmote, but the bursars controlled other produce equally strictly, amercing forestallers, regrators, and sellers of poor quality or underweight goods. The tenants of South Shields were forbidden to sell fish outside of Durham, and the Priory was to have first option to buy (Halm. Rolls Spring 1366). In the summer of the same year, the reeve of Billingham was ordered to impound any horses carrying fish (Halm. Rolls Summer 1366), and five years later, the tenants of the same village were ordered to sell grain only to the terrar or bursar (Halm. Rolls Spring 1371). Lessees of the ferry at Billingham were contractually obligated to allow the Priory first refusal on any fish caught from the ferry (Halm. Rolls *passim*). Processing also was controlled, from the milling of grain, where all customary tenants had to use Priory mills (though many attempted to disavow or evade this onerous due), to the baking of bread or brewing of beer. Such monopolies were necessary to assure the supply of

the monks at reasonable (to the bursars) prices. Threlfall-Holmes has studied the methods used to supply the Priory in the late fifteenth to early sixteenth centuries. The monopolies often were connected to a mode price, a standard price reflecting market conditions but set by the Priory. Most grain purchases were made at the mode price (2005, 76–77). The bursars made great use of tenant supply, taking grain as rent but also buying on the market. Threlfall-Holmes calculated that ninety-one percent of the grain acquired in 1495/96 came from rents in kind, and she concludes that “it is hard to believe that the monastery would have taken no steps to safeguard those supplies” (142). Although her analysis of the rentals found no patterns, this monopoly over foodstuffs likely played a significant role in ensuring the Priory’s supply. By placing restrictions on tenant sales, the bursar could demand payment of rents in kind, or buy the grain at the price he chose. Which approach was chosen depended on a complicated assessment of prices, needs, and existing stocks (142–145). Other foodstuffs were acquired in this way, such as meat, fish, and honey, although at the close of the fifteenth century these accounted for only about half the Priory’s consumption (145–146). The control of peasant produce was not merely an expression of seigniorial power; it was critical to the supply of the monastery.

Besides careful cultivation of their monopolies, Priory officials assiduously collected the many and varied dues owed by virtue of custom and their liberties (although many, like messengpennies and soulsilver, had been incorporated into the lump-sum rent). The first item of court business almost always was the Assize of Ale. The amercement for “breaking” the Assize was little more than a tax on brewing, as these amercements were unconnected with fines for brewing bad ale, using illegal measures, or refusing to summon the tasters, which appeared *ad hoc* elsewhere in the court business.¹⁰ Following the Assize of Ale came the fines for merchet and leyrwite. The size of merchet fine varied, emphasizing its dual nature of tax and recognition of lordship.¹¹ The Priory continued to collect leyrwite throughout the fourteenth century and beyond. As with brewing, this fine was more tax than punishment, at least from the lord’s perspective. J. Bennett has argued that lords collected leyrwite to exploit the returns women received from their bodies, rather than to control their bodies outright; villagers used it as a form of social control against poor women (2003). The fine almost always was directed against the woman; however, sometimes the man was named in the halmotes, and even men of the cloth were fallible, as when Mary Calverd of Monk Hesledon was amerced twice for fornication with (unnamed) chaplains (Halm. Rolls Spring 1366, Autumn 1368). In Durham, there was no link between leyrwite and marriage, and on a handful

of occasions the assignation was described specifically as adulterous. Some women appeared in court frequently over the course of several years, such as Cecily Scott and Agnes Channdeler of Billingham. Women such as these probably pursued prostitution as an occasional but regular supplement to their income. In 1369, the bursar ordered an inquiry into the deterioration of Channdeler's cottage (Halm. Rolls Autumn 1369); such investigations were directed either at the wealthy (who had multiple holdings and let some fall into disrepair) or at the very poor, who could not afford the upkeep, and Agnes Channdeler was not among the former. The nicknames of other women fined for fornication, such as "Preciouse" and Margaret Passion, and the apparent overrepresentation of the name Agnes and the surname elements "Scor" and "mayden" among leyrwite offenders, could reflect common nicknames. If so, this would indicate that the lords and villagers recognized some women as regular prostitutes rather than serial offenders or occasional prostitutes. Many of these women were servants (although there is no evidence that the sexual use of servants by their masters was common), and many of these women's names indicate a less than privileged position in village society. None of this prevented the Priory from profiting from their activities.¹²

In addition to monopolies and dues such as leyrwite, the bursars demanded services, such as seasonal labor. For example, Thomas Rois of East Rainton and two women of West Rainton failed to reap at the Pittington demesne (Halm. Rolls Autumn 1365). In Wolviston, William Jonkynson and Walter Miryman were amerced 12d. each for breaking arrest brought upon them by the failure of their wives to reap with the lord, while William Litilfayr failed to find a woman for reaping (Halm. Rolls Autumn 1368).¹³ There were no labor strikes that would suggest concerted resistance to these duties, but sporadic instances of individual defaults are common. In 1371, the works due at the manor of Merrington were enumerated carefully so that every tenant knew his or her obligations in full. The Priory even coerced hired labor; that autumn, the bursar ordered all of the cottagers and laborers in the village of Middlestone to work at the manor for a reasonable wage under threat of a heavy fine (Halm. Rolls Autumn 1371). Although customary labor was far less important in the Priory estate economy than it had been before the Black Death, it still remained a part of many peasants' lives.¹⁴

Given the above, it naturally followed that the bursars should regulate the people it considered its own, the neifs. They continued to monitor all their neifs on and off their estate. After a number of neifs had challenged their status, and the village juries had upheld their claims against the Priory, the bursars initiated a series of inquests over several years to identify and

record all of their neifs in each parish. This was a reaction to the many individual inquests on personal status required in the previous decades, which frequently ended in the freedom of the alleged neif. Now, the Priory charged the halmote juries of the relevant townships in each parish to provide lists of all neifs, whether resident or abroad, a practice nearly a century ahead of the bishops of Worcester (Dyer 1980, 270). The first inquest convened in Westoe, in 1378, followed by inquests in Billinghamshire in 1380 and 1384, and finally three more in various villages in 1386. These lists are interesting for many reasons, including the treatment of women and the smallness of the unfree population. The 1384 inquest for Billinghamshire reads:

Names of the *Nativi*

Inquest held Monday, 7 February 1384 before lord Thomas de Corbrig, William de Killerby, Thomas de Claxton and others, by the oath of John Miryman, William Curror, Richard Walker, Robert Hardgill, John Sannderson, John Tidde, Thomas son of Robert, Robert Hopper, John son of Alan, Hugh Wright, William Emmotson, and Thomas son of William de Wolviston, who say upon their oaths that Gilbert Jonkinson of Cowpen [Bewley], John, Robert, William and Thomas his sons and Alice his daughter; John Gibounson, Thomas and William his sons and Emma his daughter; John son of Roger; Gilbert son of Thomas del Oven, Robert and William brothers of the aforesaid Gilbert and Emma his sister; Alexander Robinson, John, William, Emma, and Agnes, sons and daughters of the aforesaid Alexander, John May de Billingham, Thomas his son and Cecily his daughter; John Sannderson of the same, Thomas his brother, John, William, and Robert his sons and Isabella his daughter; Alice and Cecily [daughters of] William Neubond de Billingham; John Neubond, William his brother, [both] sons of Gilbert Neubond, and their sister Alice; William Raynald son of Thomas Raynald of Billingham; William May of Wolviston with three sons; Richard May and Thomas May, brothers of the aforesaid William; Robert Jacson of Newton Bewley, Adam his son and Joan his daughter; Gilbert son of Roger of the same, John, Richard, and Robert his sons and Maud his daughter; John son of Richard of the same township and William his son; William Raynald of the same, Thomas, John, and William his sons, Alice, Emma, and Marjorie his daughters; Raynald and Gilbert Raynald his brother; are all neifs of the lord Prior of Durham, and their ancestors were of the same condition from time out of memory. (Halm. Rolls Spring 1384).¹⁵

The last inquest for which records survive was held for Billinghamshire in 1470 (Halm. Rolls Spring 1470; Halm. Bks. II, ff 112v-113r). The inquests did not occur frequently enough to be of use for long-term demographic analysis; even for the short term, the inquests are imprecise.¹⁶ These inquests are clear indicators that the Priory had not relinquished its rights over those considered its people, and actively sought ways to preserve those rights. After the Priory began the process of general inquests by parish or shire, individual claims for freedom all but ended. In this one small sphere at least, the Priory had established its rights successfully.¹⁷

Surprisingly, and despite this effort, the bursars displayed little of the concern for recovering fugitives characteristic of Sir Thomas Gray's administration of the bishopric estate. In 1373/74, Prior Robert of Walworth authorized payment to the servant of the coroner "for his labor in going to Seaham to retake our *nativus*" (*Durham Account Rolls* III, 579; Bradshaw, 221). However, this incident of recapturing a fugitive neif is all but unique. Instead, the bursars were content to track the locations and relocations of the Priory neifs and accept albanaria fines. However, while residence was not an issue, status was; the bursars continued to hold inquests into claims of freedom, and the empanelled juries did not always find in favor of the tenant. An inquest held in the summer of 1365 at West Rainton declared that Hugh Urkyll was "a neif of the lord prior, and that his father and grandfather were held to be neifs of the Lord prior," and that the Priory could force Hugh to pay fealty "as pertained to a neif." The same panel subsequently declared another man to be a neif. For some unexplained reason, the bursar ordered the participants to keep the results secret, and then ordered all the tenants of the vill not to call each other *nativus* under threat of a 20s. fine (Halm. Rolls Summer 1356). The need for secrecy here is puzzling; the status of the men, and of their forebears, was known well enough for the jury to render their verdict. Priory officials showed no hesitation in naming men as neifs, and soon after the West Rainton inquest, the bursars had begun to inquire actively about all neifs, parish by parish. Altogether, the effort taken to track such a small proportion of their tenantry but not compel them to return indicates that, while the bursars did not consider them immediately relevant to seigniorial plans, they would not relinquish their rights.

The bursars' policies are consistent in that regard: maintain the Priory's rights, even if exceptions were granted with regularity. In that sense, it mirrors the changes in the bishopric estate. However, the bursars were more uneven in their application of the rules, and the fines often varied. Furthermore, the bursars tended to be involved in village life to a greater extent, rather than leaving matters up to the peasantry. Regulation in the halmotes

would not be enough for the Priory main estate. The stability achieved in Durham circa 1360 was precarious. Lords elsewhere in England had filled their vacant tenancies, some were even raising the rents back to pre-plague levels, and economic difficulties would not become evident until the 1370s.¹⁸ In Durham, filling all the tenancies was still a distant goal despite occasional successes; far too many holdings still lay waste, and given the population level and apparent lack of immigration there would be no quick return to the *status quo ante*. The chief officers of each estate confronted a need for sweeping changes and began to reevaluate their management policies thoroughly. They were not necessarily devising a concrete, long-term economic plan, but these changes did contain forward-looking elements. When opportunities presented themselves, the bishopric stewards and the bursars strengthened their control over both the seigniorial and the village aspects of the estates, and by the mid-1380s, the officers of both estates believed that they could embark on a new phase of seigniorial pressure. Hindsight shows that their positions were much more unstable than they realized, but at the time, they saw themselves in a political and economic recovery.

CHANGES IN ESTATE MANAGEMENT—DURHAM PRIORY

The study of social relations in rural England is only possible when the structure and basic history of an estate is known, and for Durham Priory, Halcrow and R. Lomas provide the groundwork for such a study in their theses. Halcrow focused on the agricultural affairs of the Priory. Lomas examined the structure and administration of the estate, establishing the basic timeline of the policies and approaches explored below. The scope of his thesis required the identification of general trends and the “big picture” of the Priory as landowner and landlord. However, in doing so he identified numerous areas for further inquiry (such as the leasing of customary lands), in particular through the study of the halmote courts. One major accomplishment through both their works was the explication of the Priory administration of the estate, and the relationship between prior, terrar, and bursar.¹⁹

The ways in which the prior and his obedientiaries dealt with their tenants went beyond regulations in the halmotes, and includes changes in the management of the entire estate. Just as it had done often before, the Priory would alter its policies to accommodate the changing times. Thanks to Halcrow, Lomas, and Dobson, and more recently to Dodds and Threlfall-Holmes, there is no need to go into depth about the administration of the Priory estate. Thus, it is possible to focus on the policy changes that directly affected the peasants and their relationship with the Priory. Along with the

evidence from the halmote rolls, this may be approached both in terms of economic decisionmaking as well as from considerations of lordship.

The administrators of Durham Priory were a far cry from older conceptions of seigniorial administrations, particularly monastic houses, as being conservative and inefficient.²⁰ While the bursars and the superiors were not rash or precipitous, and may not have been truly original, when necessary they acted dynamically, decisively, and willingly. In all of their deeds, they constantly displayed what Halcrow described as “[a] considerable degree of business knowledge and ability” (1955, 347). The bursars’ management of their tithe receipts is one example of this ability (Dodds 2005b). They shifted their leasing and sale of tithes independently of their demesne leasing, often employing complex accounting procedures. Dodds observed that the “study of tithe management encourages us not to underestimate the complexity of the administration of major landlords . . . [t]he Durham monks’ system of receiving grain in lieu of cash payments for resources apparently leased or sold was extraordinarily complex” (139). Conservatism coexisted with dynamism, and in this tumultuous and uncertain period, the combination proved a reasonably healthy blend. The decisions, while neither revolutionary nor unprecedented, were deliberate, frequently forward-looking, and displayed an up-to-date knowledge of local conditions.

DEMESNE LEASING

The bursars, in conjunction with the terrars and priors, scrutinized the various practices already in place on the Priory main estate, encouraging those that seemed most viable under the changed conditions while limiting other, less successful practices. Often, these minor tweaks generated or reinforced other changes, and this can be seen in the decisions made about the Priory demesne lands. For example, early in the fourteenth century the Priory had been slowly adopting a policy of purchasing grain for the monks’ consumption, instead of growing it on their own demesnes (Halcrow 1955, 347); and the Priory’s purchasing strategies were both flexible and complex (Threlfall-Holmes 2005). This shift to purchasing grain rather than growing it reduced the amount of demesne needed for cultivation (Halcrow 1949, 47–52, 116). With the scarcity of labor rendering direct exploitation of the demesne impractical, the option of leasing those demesnes became even more attractive. Since they had mechanisms in place to acquire grain from other sources, the bursars could now lease out more demesne lands, confident of an assured food supply and knowing how much they needed to cultivate themselves to supplement purchases. Earlier bursars had successfully reduced

the Priory demesnes to match its needs in the thirteenth century (*Bursars' Rentals* 200–219; R. Lomas 1973, 18–19, 116–118), and so their successors looked to this policy again when adapting to new circumstances.²¹ In the latter half of the fourteenth century into the fifteenth century, lords across England let out their demesne lands in response to the changed conditions (Britnell 2004a, 401–404, 430–431).

From 1359 to 1386, the bursars initiated a second burst of leasing those demesne lands associated with villages, which were the demesnes most likely to use intensive arable cultivation (*Bursars' Rentals* 200–219; Halm. Rolls *passim*).²² There was a definite contraction in the years after the Black Death. Bursar John of Newton leased the demesne at Dalton-le-Dale some time around 1350 (*Bursars' Rentals* 207). The Billingham demesnes were let out in small parcels beginning in 1359, although nearby Bellasis was not leased out until 1373, at £6 13s. 4d. per annum for a term of fifteen years (*Bursars' Rentals* 208). The Merrington demesne was let in 1367 along with the “services and works, owed and customary” (Halm. Rolls Spring 1367). Thomas of Corbridge, who had one of the longest continuous terms as bursar in the second half of the fourteenth century, let out the Ferryhill demesne in 1381, and Wardley in 1386 (*Bursars' Rentals* 201, 215–216). John of Berrington in his tenure as bursar demised the demesne lands and buildings of East Rainton to four men (including three of the village jurors) in 1370 for a term of fifteen years (Halm. Rolls Autumn 1370). The leases frequently included the works due at the manor, which some farmers employed, although they were not always able to collect and had to go to the halmotes for enforcement (Halm. Rolls Summer 1389; Misc. Ch. 6305; Halm. Bks. II, 62v; PRO DURH 3/14, f 43r, 155r). The Priory also farmed out its garbal tithes to the manor *firmarii*, sometimes separately, sometimes directly as part of the lease (Dodds 2002a, 16). The monastery received a steady income while the farmers had the hassle of finding and paying for labor (or enforcing customary labor).

Tenants were never lacking for demesne lands. When the bursar leased a demesne out in parcels, many tenants from the village took a share, but when he leased it out whole, the high aggregated rent meant that most lessees were wealthy and experienced men. Dobson noted the presence of gentry and Newcastle merchants as farmers (1973, 282–83), although they often took those demesnes which had been farmed out earlier. Some of the demesnes leased whole in the late fourteenth century went to a group of the more prominent customary tenants in the village, who farmed the manor jointly. Village jurors and reeves took many of these leases, further increasing their own position and power.

These leases did not affect all Priory demesnes. The estate contained several demesne farms that were not connected to a village and that were dedicated mostly to stock raising.²³ The Priory continued to cultivate a number of other manors, such as Elvet Hall, practicing arable husbandry more than pastoral or even mixed (R. Lomas 1982). The bursars continued to employ customary labor at some of these manors; for example, washing sheep at Le Holme was one of the customary works used most regularly in the fourteenth and fifteenth centuries, and the bursars seldom commuted it. Aside from the application of customary labor on these farms at critical times of the year, the permanent labor of the *famuli* provided the core workforce (R. Lomas 1982; Dodds 2000). The approach to demesnes was mixed, leasing some and keeping others, and thus creating a flexible balance of production and purchase that the bursars could change as necessary.

SHORT-TERM LEASING OF CUSTOMARY LANDS

The leasing out of further demesne lands certainly had an effect on the peasants, in terms of commutation of their works and, for some, the chance to lease demesne land, but the decision was primarily the Priory's. One new policy, arrived at through mutual interest, and which had a more profound effect on village society as a whole, was a new approach towards the customary lands that made up the majority of the village lands. The bursars faced falling rents for their customary lands. "Decayed" rents (as well as rents that were pardoned or reduced by allowances for repairs) were a sufficiently important problem for the bursars to create a new section for them in the Bursars' Rolls, and the size of the problem for the estate fluctuated between £6 and £20, and sometimes even higher. By 1360, arrears, decayed rents, and lost rents from vacant land amounted to more to £454 18s. 3d. By the early 1380s, the recording of these losses would evolve into its own separate record (Halcrow 1955, 353). Something had to be done.

R. Lomas found that beginning in the 1360s, the bursars departed from the policy of strict control over customary lands and began to lease those lands to the tenants for a set number of years, instead of granting them out for life (1973, 31–34). Other lords in England did the same, initially as a stopgap measure to fill vacant tenures (B. Harvey 244–255; Schofield 1996). However, the practice was adopted more quickly in Durham, although the exact timing varied from village to village. Some villages switched over quickly, while others, like Billingham, did not adopt the practice until very late in the fourteenth century. By 1400, the bursars largely had shifted to demising all land for a term of years (R. Lomas 1973, 24–25, 30–35, 40–45). This was a

very different outcome from the Westminster Abbey estates, where tenure in villeinage continued to be the norm (B. Harvey 245). Initially, the terms of the leases were long, but as the practice became more common, the bursars reduced the length until terms of three and seven years became standard. Some tenants continued to hold their lands for life, but most tenants preferred the new, short leases. Before long, life tenure on the Priory main estate frequently applied only to neifs, although most of these men and women held their lands by lease. The real success of the practice is demonstrated by the creation of a new set of records, the Priory halmote books. Unlike the bishopric halmote books, the Priory used these almost exclusively to record land transactions, making them a register more than a court book. Although the earliest surviving entries in these books date to 1400, some of the entries seem to refer back to earlier transactions recorded in the book. As the books are concerned with land, and as the bursars had just altered the way in which land was held on the Priory, it is logical that the decision to create a new record series derived from the success of the leasing process. The books likely began sometime in the last quarter of the fourteenth century, when it was clear that leasing was there to stay.

In the terms and conditions of the leases themselves, the only substantive difference from the traditional life interests was the elimination of the entry fine:²⁴

Tenure for life:

John Child comes into court and takes a cottage that William [Rinothewood] earlier held and surrendered in favor of the said John, to have and hold for the term of his life, rendering the old rent [and services]²⁵ [etc.] performing for the lord and neighbors what is incumbent.²⁶ Payment to begin at Martinmas next. And he gives for his entry fine 18d. by pledge of John son of Alexander, which is forgiven by the terrar. (Halm. Rolls Summer 1369).

Tenure at will:

Robert Fauks takes a bondland formerly in the tenure of William Neubond, because the [son] of the aforesaid William is not capable [of holding the land], to have and hold at the will of the lord because he is a neif, rendering and doing in all things just as the aforesaid William previously rendered and did. Payment to begin at Pentecost next . . . Pledge: Gilbert Fauks. Entry fine: 40s. (Halm. Rolls Autumn 1376).²⁷

Tenure for number of years:

Thomas Jonson comes into court and takes two cottages last in the tenure of Robert Jacson, to have and hold for the term of [his life, *deleted*] six years, rendering per annum 8s. Payment to begin at Pentecost next. And he will perform for the lord and his neighbors what is incumbent [etc.] And the aforesaid Thomas [will surrender] the aforesaid cottages to the lord at the end of his term in good and sufficient state, because they were recently repaired. Pledge for the rents and all other things which are incumbent: John Robinson. (Halm. Rolls Autumn 1396).

As can be seen in Thomas Jonson's lease, the terms were so similar that the scribes could erase "for life" and replace it with a term of years, with no serious alteration to the terms of the tenure. Such changes were common in the halmote books, and along with the broad similarity of language, indicates that the new leases had the same security of tenure as life tenancies.²⁸ On the other hand, inheriting a leasehold was a different situation than inheriting a life tenure, and this would have required a recasting of what "custom" meant in terms of tenure. In the short term, the differences may have been negligible; there was a limit to what the bursar could demand in terms of rent, and the services remained fixed. Many of the entries do not give the rent, referring either to the *antiquam firmam* or stating that the new lessee would do as his or her predecessor had done.

As for entry fines, even when low these still could prove a hindrance for some peasants, especially for a few acres of marginal land. By eliminating these fines, the bursars hoped that the tenants might find those small and marginal holdings more attractive. The elimination of the entry fine for short-term leases did not occur immediately, likely because the rents and services remained the same. Instead, as with the bishopric practice of pennyfarm, the omission of the fine was piecemeal, until the practice gradually evolved into general policy. The fines lingered longest for the larger holdings, as was the case with John the son of John Dawson of Dalton:

John the son of John Dawson takes two husbandlands, one of which contains eighteen acres that the said John Dawson held previously, to have and hold for the term of nine years, rendering per annum the old rent. And he renders for his entry fine for the said time of nine years 40d. Pledges for the rents and all else, sir Richard de Wolveston vicar of the church of Dalton, and Richard de Meryngton. (Halm. Rolls Spring 1376).

Eventually, however, the popularity of the new leases and the necessity to make concessions to the tenants all but ended these fines, to the tenants' relief. Rather than raising rents, to make unwelcome lands more attractive the bursars coupled the lack of entry fine with flexibility on rent levels, often offering a staggered increase in rent over a set number of years or remissions in exchange for the tenant making repairs on run-down tenements. These were generous terms, especially compared to the forced impositions on the bishopric estate, but the bursars did not sacrifice any of the Priory's rights in adopting this new policy. For one, the switch to leasing did not end the use of customary labor, although it likely weakened the practice further. These were not leaseholds, but customary leaseholds, and the Priory expected the lessees (who often had been the original tenants for life) to perform the required customary works or compound for them in cash. The manorial bailiffs continued to draw upon this pool of labor at times, both for work on the demesne and for more general estate tasks, such as carriage.²⁹ In guiding this transformation from life tenancy to leases, the bursars solved several of the problems regarding lands in the estate. Moreover, they did so without provoking peasant anger, demonstrating that seigniorial interests did not of necessity clash with those of the peasantry but could be mutually reinforcing.

The bursars managed the transition, but did the impetus for the change come from them or from the tenants? The decision certainly was that of the bursars, but as Lomas stated, the impetus came from the tenantry (1973, 33–34). The close contact of the bursars with the peasants through the halmote courts means that even if they did not consult their peasants directly, they certainly knew of the peasants' preferences and acted accordingly, a fine example of compromise driven by mutual interests. The time it took the leases to become common and the nature of the leases suggest that those preferences may be the explanation of the pace of adoption. Most of the early leases were for cottages, half-cottages, and small plots of land, as the bursars at first were reluctant to lease out the core lands of the village. Leasing allowed peasants to expand or contract their holdings as needed, whether to take advantage of markets or provide for a larger family, and it provided some opportunity to pick and choose between good and poor lands. This flexibility meant easier adaptation to a swiftly changing environment. The leases were not beneficial to all peasants, however. The fluidity of the tenures insidiously undermined traditional communal agricultural practices and attitudes, encouraging the wealthier peasants to manipulate the system to their own advantage or to ignore it altogether. The leases tempted poorer tenants to surrender lands they could neither work nor afford, which wealthier tenants then snapped

up without paying the usual entry fine. It is conceivable that this practice could have been taken to the extreme, with peasants using short leases to work lands to exhaustion with little capital input and then move on to fresher lands; the wealthy could afford the higher fines for better lands, while poorer tenants could only lease the worst lands. There is no evidence that this practice actually occurred, but the bursars probably feared that it might. The new leases included the obligation that holdings be surrendered in good condition, which had not been required of those holding lands for life. While such an addition to the terms of tenancy may have occurred independently of the switch to leases, the connection with leasing of lands indicates that the peasantry did not treat leased lands in the same way as they did lands held for life, further contributing to the decay of lands and rents. In the long term, the leases would be to the peasants' disadvantage, creating social and economic fissures that would test the strength of the village community.³⁰ These changes were harbingers of more to come, but at the time, many peasants welcomed the new leases.

While the tenants certainly welcomed the new leases and encouraged their use, the bursars are due considerable credit for the practice. As did many lords, they undoubtedly preferred the stability of life tenures and a clear identification of family with specific tenures. However, the mortality of the Black Death rendered such preferences obsolete. Although tenants came forward for the larger and better tenures fairly swiftly after the *prima pestilencia*, many smaller parcels remained vacant. The customary tenants often leased parcels of the demesne lands and paid competitive rents, and in all likelihood, one of the bursars—or perhaps even a terrar or the prior himself—took the idea of leasing demesne lands and applied it to customary holdings, aptly seeing that the practice could raise rents and fill vacant lands without the necessity of unpopular measures like impositions. Unable or unwilling to force these lands onto unwilling tenants, the bursars lowered or removed the entry fines and offered flexible terms for many of the less valuable lands. This proved just enough of an inducement to fill many (but not all) of the vacant lands, though often at the cost of lower rents. It was a creative solution to a difficult problem that exemplifies the admixture of creativity and conservatism characteristic of the Priory administration. Short leases without entry fines generated income from otherwise vacant lands, while allowing the Priory to return easily to life tenancies if the market changed.

The extension of the practice to the bondlands reveals the Priory's comfort with the practice and overall confidence, as the situation was never so desperate as to cause the leasing of these lands. From the late 1360s to the early 1380s, rent from bondlands increased slowly but steadily, and this

likely is connected to a preference for leases and the ability of the bursars to manipulate rents (although they did so slowly). Few newcomers took such leases, and so this is a conversion of tenure practices rather than the introduction of a new group of tenants. By 1380, the rent from farms was more or less permanent and fixed, bringing in about £88 per annum (R. Lomas 1973, 100–111).³¹

The conclusion here is that the Priory administration had decided that the loss of entry fines in the leases was preferable to seeing lands remain vacant, in which case the entry fine would not have been paid either. Furthermore, the practice provided other advantages. The bursars now could encourage a competitive land market and manipulate rents on a more frequent basis, and in turn they could react more swiftly to changing conditions. Additionally, the appeal of these leases helped retain the best tenants and aid in competing for new tenants, a highly desirable bonus given the scarcity of tenants in Durham. The short leases allowed for the exertion of greater pressure upon the tenants to effect repairs or comply with orders, as the delinquent tenant could lose the lands to a more upstanding tenant once the lease ran out. Finally, what was bad for the peasant was good for the lord; these leases provided a controllable outlet for those peasants with an independent streak. Peasant energies were channeled to a safer and more productive outlet, and competition among tenants detracted from resistance against the Priory. The leasing of customary lands returned both a financial reward and demonstrates the mutual confluence of interests, and thus makes an excellent example of lord-peasant consensus. However, the leases, with their short terms and potentially flexible rents, also provided the bursars with a chance to extend seigniorial control beyond what they would have had over purely customary tenures.

STABILITY?

Even were there no other changes, the leasing of customary land indicates an unmistakable and significant change in mentality and administrative practice, as the bursars faced up to the unpleasant facts of rural society and economy after the Black Death. These changes were successful, at least in the short run. R. Lomas detected a partial recovery in Priory income during the two decades immediately following the Black Death, and the new policies generated a much swifter recovery in the 1370s and 1380s, though this would erode during the 1390s (1973, 284–285). These policies slowly adopted in the 1360s and 1370s remained in place for several decades, and some, including the leasing out of demesnes and customary

lands, were permanent. They reflect a cautious, calculated reaction to the changed social and economic climate of Durham, and the bursars based them on practices that their predecessors had employed with success for a half-century or more. There was no clean break between old and new; yet, looking back, the 1360s and early 1370s were a turning point. They may not have been fully conscious of it at the time, but the Priory officials were beginning to feel more confident. This may be seen in the number of monks admitted to the Priory, and the overall number of inmates remained steady despite the severe mortality of the Black Death (Dobson 1973, 54–56). In addition, the Priory initiated a massive building program after the Black Death, aiming for a near-total replacement of the monastic buildings, including new kitchens and dormitories, followed by a renovation of the cloister and construction of new libraries (293–296). For the time being, the health of the Priory (and bishopric) seemed sound; the Black Death had shaken the estates to their foundations, but both had recovered swiftly and surely.

On the bishopric estate, the best evidence for the new stability is the great survey of the bishopric estate commissioned by Bishop Hatfield early in the 1380s. The survey is highly valuable because it recorded not only the rents due from the very many classes of customary holdings, but the surveyors often itemized those works and dues precisely, specifying rates of commutation, discussing exceptions, and providing explanations for unusual rates or services. Such detail was necessary because holdings on the bishopric estate, unlike those on the Priory main estate, varied significantly even within a parish or small shire. If knowledge was power—or at least reflected power—in the Middle Ages, Bishop Hatfield's new survey was a formidable instrument. The level of detail—for instance, the surveyors often listed previous holders of a given tenure—was possible only if the surveyors or other bishopric officials checked the returns of the local inquests against existing documentation. The reference to labor services and the careful enumeration even of services long commuted demonstrates how carefully the administration preserved the bishop's rights, even if they might never be used again. The creation of the new records, especially a survey, asserted seigniorial control, although it also demonstrates precisely how much the situation had changed. Some confidence and authority was needed to create the records, as was relative stability, thus indicating that both the bishops and the bursars of late fourteenth-century Durham understood the scope of the changes but also believed that the tide had turned. The impetus to update the records would continue, in spurts, for the next half-century.

Any discussion of writing in terms of seigniorial power will remind the reader of the 1381 Rising, in which manorial manuscripts (particularly *new* documents) featured prominently as targets of the rebels. New documents enshrining the details of seigniorial rights and dues were exactly the tools the bishops and bursars looked to in their attempts to recover from the Black Death and to bridle their peasants. The confusion after the Black Death aided the peasants, allowing them to invoke custom and memory to their own advantage. The solution was to update the records, from estate surveys to neif lists. This could antagonize the peasantry; but the new records provided certainty, and had been based upon reports from the villagers themselves. These were not new customs imposed from above, and this helped mute peasant animosity over the new records. More importantly, the peasants had become preoccupied with their own problems.

Chapter Eight

Troublemakers and Rebels: Violence in the Villages, 1358–1384

The Rising of 1381 looms over any discussion of changing lord-tenant relations in the late fourteenth century. Throughout England, the quick recovery after the Black Death eventually turned sour. Peasants and laborers continued to demand higher wages while refusing to perform customary services, and more and more tenancies fell vacant. Rents fell and eventually so did prices. As a result, English lords felt a need to demand more and greater “vil-lein” dues from their tenants, even their free tenants. This increasing heavy handedness pushed many peasants to the edge, and when national matters compounded these woes, many peasants in southern and eastern England rose in revolt in 1381. In Durham, however, there was no rising; instead, internal matters consumed the peasantry’s attention. After examining the slender bishopric evidence, Britnell observed that “[a]t a time when the rebels in London were murdering the archbishop of Canterbury, the bishop of Durham’s men were more anxious to stop the people from killing each other” (1990, 39–40). The statement is far truer for the Priory main estate, and it was far more than individual violence; when many peasants and artisans were uniting against oppression in other parts of England, the Priory communities ripped themselves asunder.

Two questions remain, then. First, why were the Durham peasants struggling against each other, rather than against their supposedly natural enemies? As a palatinate, Durham was untroubled by the hated poll taxes of 1377, 1379, and 1381, so the spark was missing (Britnell 1990, 39). However, in terms of motivation, neither bishop nor bursars had given in to their tenants, and they were working hard to find new ways of increasing income and control. Second, why did the communities of the Priory estate suffer so greatly, while those on the bishopric appeared to escape almost untouched?

Unfortunately, very little of the bishopric halmote records survive after 1362 and before 1388, but a comparison of the earlier and later records suggests strong continuities, perhaps even improvements, in communal relations. Just as the bishops and bursars were dealing with change, so too were the village communities; it was the ways in which they reacted to that change that led to conflict on the one estate and stability on the other.

A CHANGING VILLAGE SOCIETY: THE PRIORY EVIDENCE

There is little definitive evidence as to whether there had been a feudal reaction on the Priory main estate commensurate with that on the bishopric; if there was, it ended at the same time as Bishop Hatfield's and left little lingering resentment. Unlike the bishop, the bursar slowly found tenants and took in increasing receipts from farms of bondlands (Bur. acs. 1347/48–1383/84 *passim*). Most of those taking up lands seemed to do so without seigniorial compulsion. However, there were problems with labor during this time, as the sheriff delivered to the prior £16 6s. 8d. from fines on Priory tenants breaking the "New Statute" (Bur. acs. 1357/58 m 2).¹ Other evidence reinforces this conclusion that there was a labor shortage, and one of some duration. The bursars required laborers to stay in a village if *any* work was offered; in 1375, the bursar issued an injunction in Aycliffe that "all cottars, and all other tenants of the lords who do not have grain of their own to be reaped, reap with the lord at Ketton under penalty of 40d. and loss of their right [to their land] . . . and that the reeve and forester arrest all tenants and servants and laborers [*operarii*] of the vill so that they do not leave the village, so that they might reap with the lord" (Halm. Rolls Summer 1375). The bursars were willing to look out for the needs of their tenants as well. That same tourn, the bursar proclaimed that no cottar could leave the village of Ferryhill to look for work elsewhere if any of his neighbors had work that needed to be done. Given these difficulties, the continued recording and use of customary labor was eminently rational, as was the continued leasing of demesne lands.

Although the administrators of both estates took steps to reorganize after the plague, at that point (the later 1350s and early 1360s) the estates embarked on divergent administrative paths. While direct contact between estate officers and the villagers declined on the bishopric estate, Priory officials remained closely involved with the peasantry, with even the priors monitoring village affairs closely. More importantly, social, economic, and political relationships between the peasants began to change, and the outcome of post-plague events on village society in particular differed

markedly from the bishopric estate. In Priory villages, multiple holdings became a regular feature as wealthier villagers increased their holdings to the detriment of the poorer peasants (T. Lomas 1984, 309–310). This practice developed alongside an increasing inclination towards leasing land for a term of years rather than taking it for life, the beginning of a process that by 1500 would result in syndicates of several villagers leasing their entire village from the Priory (R. Lomas 1973, 38–39; *Bursar's Rentals* 199–217 *passim*). Yet even here the role of lordship cannot be ignored, as seigniorial influence, and particularly the uneven application of authority, favor, and punishment, created the context and atmosphere conducive to this transformation.

Yet, this was not purely the initiative of the bursars alone. They certainly played a role, imposing injunctions, upholding bylaws, regulating activities. Many of these actions, however, were in collusion with or at the behest of certain tenants. The leading tenants of the village could be the lord's worst enemy; but they also made excellent friends and allies. These men were good tenants; they had influence in their village, and many had initiative, accumulating holdings and swiping the Priory's resources. Many of the bursars' actions described below benefited men such as these, and this was no coincidence. The bursars encouraged them in their economic activity by cutting deals and overlooking infractions, and they supported them against their fellow villagers. In return, they received higher rents and less resistance. It is not likely that the bursars set out to create proto-yeomen, but they understood and cultivated shared interests. Thus, in the actions the bursars took, they had their own best interests in mind, but often these interests were best met through working with the tenants.

This is readily seen in the bursar's regulation of village agriculture. This thorough interest forms one of the major differences between the bishopric steward and the bursars. The bursars took a keen interest in regulating village agricultural functions, issuing bylaws and mandating communal works and activities. Ault, invoking earlier scholars, linked the increasing number of bylaws in court records in the fourteenth and fifteenth centuries to the end of demesne farming, when peasants were left on their own to manage their agricultural affairs (380). An alternative explanation is that these bylaws reflect an attempt to ease a rapid transition from arable to animal husbandry. Neither of these is fully satisfactory for the Priory villages, however. Rather than an end of seigniorial involvement or a tumultuous shift toward more stock-raising, Priory officials and certain villagers were behind the increasing visibility of the bylaws. The Priory does appear to have been undergoing a shift in peasant agricultural practices, but this transition also involved the widening social and political fissures within the peasant community. It

seems rather doubtful that in Durham “the assent of ‘all the tenants,’ ‘of the community,’ ‘of the neighbors,’ . . . could be taken literally,” as Ault asserted (383).¹ Certain tenants stood to gain from enforcement of stints and other agricultural rules, while others, particularly the poor and those without political clout, stood to lose. On the other hand, the vigor with which the bursars announced and enforced the bylaws would indicate that “proper” agricultural order was important to the Priory. The peasants were increasingly on their own to manage their agricultural affairs, but the Priory took a forceful role in enforcing the bylaws, from establishing the proper time for sowing and reaping to maintaining stints. Each village was to have a common pinfold, oven, and various other structures, as well as certain officers for agricultural affairs. Non-compliance was regular, and again and again the bursars amerced whole communities and instructed them to make repairs or to find someone to fill the office before the next court or be fined yet again, to no avail. The promulgation of bylaws and the issuance of injunctions regarding village officers and facilities comprised a considerable part of the halmote business. Dyer concluded that the constant issuance of bylaws was linked to the regulation of poor tenants and a wider attempt by the peasant elite to control wages and workers (1994, 422–23; 2005, 75–75). On the Priory main estate, this likely was the case, even though few of these bylaws make reference to the poor or activities associated with the poor, such as gleaning. The hand of the Priory was ever-present, constantly impinging on the freedom and initiative of the peasantry. In some instances, this was an overt alliance with the leading tenants, and at other times, an attempt to force those tenants to work with the bursars rather than against them, either with carrot or stick. The bursars were attempting to shoehorn the tenants’ activities into their own concepts of agricultural organization, but those concepts included and were influenced by a particular group of peasants.

RESISTANCE, OR OPPORTUNISM?

The copious details and examples in the records that define the Priory’s rights and regulations also indicate that many peasants flagrantly disobeyed. These injunctions and ordinances were so basic and sensible, and repeated so often, that one can only conclude that the peasants were ignoring them, similar to what Dyer found on the Worcester bishopric estates (1980, 267–268). And yet there was little concerted resistance to the Priory in conjunction with this disregard. Most infractions involved personal gain or rejection of certain ideas of community, not conscious assaults on seigniorial rights and symbols. The peasantry did not deny the Priory’s rights or reject the rules outright

as happened on the bishopric—no “malicious” actions “in contempt of the lord”—but instead they acknowledged them and proceeded to break the rules when they wished. Cattle grazed in fields reserved for horses. Hunting, trapping, and fishing in forbidden areas were common, both by tenants and outsiders, and many tenants kept forbidden dogs for these activities. Brewers sold ale at a higher price than the one set by the Priory, and, when fined, seemed little dissuaded from doing so again. Purprestures (illegal enclosure of seigniorial lands) cropped up time and time again, and it could be years before the Priory forced the tenant to undo them. Geese posed a considerable problem; to judge by the number of injunctions against letting them out of the village unattended, these fowl were the scourge of the fields.

Similar non-compliance occurred in many other matters. Simply put, the peasantry was refusing to do what the Priory wanted, quietly and effectively. But was this resistance? That is, what was the motivation for the non-compliance; was it an attempt to flout the Priory’s rules and strike back against an oppressive and exploitative lord, or was it merely self-interest, a quick profit at the expense of a weak system? Unfortunately, discerning motivation is difficult, even before factoring in unconscious feelings and impulses. Take, for example, the maintenance of buildings and tenements on the estate. Orders to repair tenements and estate or village buildings were certainly among the most visible items of business in the Priory halmotes. Hargreaves argued that the clash over repairs and building of houses formed a significant component in the conflict between lords and tenants on the Worcester Priory estates (62–63). Events on Durham appear similar. The bursars constantly amerced tenants for failing to repair their holdings and ordered them to make the repairs under pain of a heavier fine. The court rolls describe many cottages as “fallen down” or in disrepair for years, noting that tenants scavenged these dilapidated buildings for raw materials to use in other buildings. Timber and other building materials had a strange habit of disappearing mysteriously from vacant tenements in the Priory’s hand and appearing in the homes of tenants. Some tenants, after receiving lumber or other building materials to repair their tenements, sold it off instead.³

The never-ending repetition of these orders to keep buildings in good condition and to use the materials supplied for their original purpose, all with constantly increasing penalties, demonstrates how little regular success the administration had in these affairs (although, there were times when success was had under the intense pressure of particularly determined obedientaries). But was repair necessarily what the bursars sought? The bursars happily accepted monetary fines, though it is not clear whether these monies were used to repair the tenements. Hargreaves argued that “[i]f the lord had

wished he could have made considerable profit from tenants who neglected property, the fact he did not indicates just how serious the problem of decaying property really was" (65), but the continuing levying of fines with no final penalties indicates that the opposite may have been true in Durham: despite the emphasis in the courts, repairs and rebuilding were not priorities. Despite the strident calls for repairs and the resultant picture of a struggle over the very fabric of the estate, in reality the Priory let the tenants do what they wished with their tenements. Rather than a protracted struggle, a contest of wills between lord and tenants, these incidents illustrate how little the peasants invested in concertedly opposing the Priory. This can be seen in the rare instances when the bursars successfully forced tenants to repair their holdings. It took years of constant pressure, and when it happened, multiple tenants in a village, who had been amerced for years, suddenly were reported as having made the necessary repairs. To avoid a real conflict, the tenants complied, but shortly thereafter they would let the buildings fall back into disrepair, and the cycle began anew. The Priory could never win completely.

FAVORITISM AND PARTIALITY

In many ways, this was the Priory's own doing. All too often, Priory officials were unable or unwilling to enforce the rules consistently. The amercements for many offenses were not negligible. Frequently, the threatened fine was 3s. 4d., and often the fines increased as injunctions were repeated. However, these proved ineffective deterrents, as the infractions continued unabated, often because the fines were never collected. Frequently, the scribes noted that the tarrar or prior reduced or pardoned amercements assessed in the courts. This could indicate a form of negotiation, with the bursars stating the traditional fine to maintain face, but accepting a lower, more reasonable fine that reflected the true cost of the infraction or the tenant's ability to pay. The pardoning of these amercements, no matter the reason, served to undercut the authority of the bursars in a dangerous way. Other rules were undermined when some men were given licenses for quasi-legal activities. Take John de Schaffeld. In the summer of 1369, bursar John of Berrington fined him 2s. for digging lucrative millstones in Heworth and carrying them away. Rather than order him to desist, the bursar instead granted John a license to carry on for as long as he wished at 2s. per annum, and then ordered one of the village officers (probably the reeve) to arrest anyone else removing them (Halm. Rolls Summer 1369). This is an excellent example of the Priory profiting from peasant initiative, even if in the breaking of rules, and it displays the officials' willingness to connive at the bending of their own rules.

Some tenants received other benefits, such as leases drawn up with slowly increasing rents, reductions in rents in exchange for repairs, or other concessions. To some favored tenants, the Priory provided materials for repairs, and sometimes even contracted to build certain buildings for them. To some observers, this may be interpreted as astute management in troubled times, a willingness to be flexible in the short term in exchange for long-term gains. To others, it is corruption and partiality, a counterpoint to the bending of rules and pardoning of infractions in exchange for quick cash. At the same time, it could indicate that the bursars' "policy" outlined above may have been the result of an inability to define and pursue a clear plan of action, with general directives lost in *ad hoc* decisions. To the peasants of the time, it may have signaled a weakness to exploit.

This was problematic, but, to an extent, this was beneficial for the Priory administration because it dampened any potential sense of collective grievance on the part of the tenantry. Whether they recognized it or not, the Priory officials were executing a program of divide-and-conquer when dealing with the peasantry. Unlike the bishopric administration of the 1350s, the bursars rarely antagonized all tenants at once. There were no impositions of land onto entire villages. Even though many injunctions were directed at villages as a whole, rarely was there a communal fine to which everyone had to contribute; individuals paid. The bursars never became the collective bogeyman. Individuals did suffer exploitation, but never in such a way as to create unity, especially as it was possible to buy your way out of trouble. The bursars pressured their tenants, but this pressure was uneven; thus, at a time when some peasants elsewhere were rioting, challenging their lords in court, and even rebelling, resistance against the Priory was individual, opportunistic, and unorganized, as it likely was throughout much of England. The most common act of "resistance" was the unlicensed use and waste of the Priory's goods and resources, as could be seen on the bishopric estate. Such appropriation differs little from the modern pilfering of office supplies. The Priory had what others wanted, and so the peasants took from them, just as poorer peasants also used up the resources of wealthier peasants when they could; there were trespasses on the lands and crops of the more substantial tenants as well. Attacks and rescues against Priory ministers were all but non-existent, however. John Vigerous, a bailiff of the Priory, was the target of a number of assaults in the late 1360s and early 1370s, probably for a spirit like his surname, but few others suffered. There were some instances of collective assaults on the rights and goods of the Priory, as when the entire village of Westoe was fined for a trespass in the Priory's corn to the damage of fifteen thraves of peas in 1368, or when ten tenants of Kirk Merrington were

amerced seven years later for depasturing “le leys” communally (*communiter*) (Halm. Rolls Summer 1368, Summer 1375). Despite scattered instances such as these, solidarity was a scarce commodity.

All told, the policies did much to help the Priory; even the willingness to overlook infractions and forgive fines was rational given the circumstances. For some men, if you served the Priory, whether for pay or by being a profitable tenant, the Priory looked after you in return. This was parasitism, pure and simple, though not one-sided. Furthermore, the wealthier peasants and the village officers were the most likely to complain, protest, or revolt. By pandering to these peasants’ interests, the Priory in a single stroke gained allies and eliminated the main bastion of opposition. Consequently, the organized, anti-seigniorial resistance seen in the bishopric was absent on the Priory main estate. Communal solidarity was not a prominent feature of the Priory villages. It was easier to do nothing than to try and come together as a group; instead of challenging the Priory’s demands, the peasants found it easier just to ignore them.

THE IMPLOSION OF THE VILLAGE COMMUNITY

The Priory’s methods of estate management not only undermined the authority of the estate officers—after all, why follow the rules if the rules are not enforced?—but also exacerbated, perhaps even created, divisions within the villages.⁴ The move to leasing of customary land allowed the wealthier peasants to adapt more easily, while many poorer tenants could not compete for the bigger and better lands. Consider the monopoly on foodstuffs: the tenants could not sell elsewhere without license and the tarrar had first refusal, and the peasants were limited in where they could buy goods. Infractions do not seem to have been a regular occurrence regarding grain, but fish and ale were different matters. It is no surprise that, as with the Statute of Labourers, peasants flouted the rules and charged or demanded market rates. The wealthier peasants benefited most from such infractions; they did not feel the sting of marketing monopolies as much as the poorer sorts.⁵ They could pay the fines to circumvent restrictions on buying and selling; for them, such fines may have been little more than a sales tax, and as for those who consumed more than they brewed, they could pay the higher prices. Poorer tenants were left wanting.

Besides the uneven enforcement of rules, divisions arose because the Priory officials supported the village officers against their fellow villagers. The village officers were drawn from the wealthy or powerful customary tenants of the village. Men like John Miryman, John Wermouth, and Gilbert

Hardgill of Billingham or Walter Bishop and Richard del Neuton of Newton Ketton served on their local jury for decades and held the major offices. Frequently they served the Priory in other capacities, including the collection and threshing of valuable tithes.⁶ Their children inherited their positions as well as their holdings, or else moved on to better things, such as a career in the Church. These men and their counterparts in other villages leased land from the Priory, even the demesne manors, and it is likely that they got preferential rates. Thus, these men were already powerful within the village. While the bursars often told the village officers what to do (and sometimes how to do it), they generally backed them against the other peasants. The Priory punished those who assaulted officers or rescued impounded goods, as well as those who showed disrespect. For instance, cursing the reeve or hayward, or doing any other harm to either, incurred a 20s. fine (Halm. Rolls Spring-Autumn 1372). The support they received from Priory officials reinforced their own influence within the vill.

The best explanation of why inter-tenant disrespect and violence developed on the Priory main estate and not on the bishopric lies not in interpersonal relations or economic inequalities between the tenants; these had always been present. Rather it derives from a weaker communal spirit, demonstrated by the need of the bursars to regulate agricultural affairs, and from the peasants' reaction to and exploitation of the Priory's management style. It was not that the villages failed to unite against the oppressions and demands of the Priory; the peasantry could not unite for *anything*. Unlike on the bishopric, the village mechanisms for unity and cooperation were insufficient to contain tenants seeking to go their own way, and so the village communities tore themselves apart while the bursars and terrars looked on.⁷

The Priory records show increasing instances of villagers failing to work together, and the ways in which the bylaws were broken indicate more than simple opportunism or disregard. Considerable ill will was directed at fellow tenants, but disagreement was more common. Villagers refused to meet to discuss communal affairs, a serious problem for husbandry that was dependent on cooperation; this was especially true regarding the thrice-yearly meetings for agricultural planning. In the autumn of 1368, the customary tenants of South Shields refused to convene "to transact the common business of the township" regarding the placement of hedges (Halm. Rolls Autumn 1368). Basic communal agriculture was suffering, caused by or causing fractures in the community. For example, in the summer of 1372 the bursar attempted to restrain the tenants of Upper and Nether Heworth, ordering "that none of them trespass against another in litigation through words for the sake of fighting." He then instructed them to assist the reeve

“for the common utility of the vill” and “to plow their land just as had been done in olden times” (Halm. Rolls Summer 1372). This was an extreme example of a dysfunctional village, but it was not the only one, and similar orders were issued to the tenants of South Pittington, among other villis (Halm. Rolls Spring 1380). The bursars constantly scolded the villagers of Billingham for refusing to repair the sheep pen and for failing to keep various watercourses clear. Peasants denied even basic goods and services to one other. In the spring of 1372, the bursar found it once again necessary to remind the same tenants of South Shields to be sure to have ale on hand to sell, so that “the tenants of the vill should not want for drink” (Halm. Rolls Spring 1372), and elsewhere brewers and brewsters were refusing to brew for general consumption or overcharged their customers. Even when ale could be had, brewers discriminated against the buyers, selling poorer ale outside and the better ale within their houses. In all the villages of the Priory estate, cooperation was giving way to conflict, whether with fists and weapons or litigation.

The favoritism shown to certain peasants may have furthered the fragmentation of the village communities, quickening the spiral into disorder. Those tenants who held significant amounts of land (customary or demesne) and filled most of the village offices dominated their villages; the other tenants in the villages had little access to village offices and thus had few ways to increase their fortunes other than by allying themselves with the Priory or with an elite family. However, strong vertical divisions also existed in the villages, and protracted quarrels within different groups were common. The elite customary tenants were by no means united, facing each other in and out of court. The poorer peasants fought amongst each other as well, and division was rife throughout all social and economic groups across the estate.⁸

One example concerns the potential friction between free tenants and those peasants who held customary lands. Contrary to Hilton’s hypothesis (1969, 24–25), in Durham this generated inter-peasant conflict far more than anti-seigniorial feelings. Ordinarily, such strains were minor and controllable. In the current situation, they added impetus to the general fragmentation of the rural community. One group or the other in a given village frequently failed to do their part in communal activities. For example, in 1366, the bursar ordered the free tenants of Ferryhill to contribute towards the repairs of the mill, since the husbandmen had already done their part; the free tenants had failed to do so for the past two years (Halm. Rolls Summer 1366). Such cooperation never occurred; shortly thereafter, the customary tenants of the village refused to cooperate, and the bursar fined them

again four years later because they still had failed to do their part (Halm. Rolls Spring 1367, Autumn 1370). In a similar dispute, the bursar ordered an inquest to be held in Kirk Merrington to determine whether free tenants were also required to mow *les lonyngs* with the other tenants (Halm. Rolls Spring 1371). For whatever reasons—jealousy, snobbery, petty attempts to acquire some social or economic advantage—free and customary tenants all over the estate balked at working together. One reason may have been the stigma attached to tasks such as working at the mill, which the free tenants wanted to avoid; however, since labor services were not linked to freedom in Durham, the cause was more likely economic. Since free tenancies generally were concentrated in certain townships, this was not a universal issue, but in certain villages it further destabilized the community.

Many tenants were doing quite unneighborly things. Women washed their clothes in the village fountains. In East Rainton, even plowshares and other implements were put into the village font (Halm. Rolls Summer 1378). Men and women both trod new paths through their neighbors' crops. All over the estate, tenants were irritating their neighbors, often deliberately, for example in the noisome process of rendering fish oil:

Thomas Herynger is ordered not to make [fish] oil after Christmas within the house wherein he now dwells, but elsewhere at Pekesker just as the old custom, under penalty of half a mark, because all the tenants of the vill are so seriously overcome because such a great odor [proceeds] from the infusion of the oil that none are able to go there without danger.

[Later in the same court]: 6d. each from Thomas Herynger and John Skaket because they burned clots of oil whence a foul odor arose, from the penalty imposed elsewhere; [they are] in grace this time, 4d. [pardoned for Thomas] and 4d. [pardoned] by the terrar [for John]. (Halm. Rolls Autumn 1365).

Nuisances abound in the halmote rolls, as when the tenants of Westoe and Harton dug for coal on one man's tenement (Halm. Rolls Autumn 1371). Of course, such injunctions against protecting a tenant's land undoubtedly carried little weight, as the Priory could not protect its own lands; the peasants were digging up the Priory's lands for various materials, and were even digging in the streets. The high penalties pronounced for the many infractions emphasize both the severity of the problem and the Priory's helplessness. In

Billingham, the Priory resorted to imposing *two* reeves in 1374, ordering all tenants to come “regarding hedges, bylaws [*birlaws*] and other commonalties and profits of the vill” (Halm. Rolls Summer 1374). Of course, the elite tenants made the bylaws, often to their own advantage. In Aycliffe, six men were selected in the autumn of 1369 “to [see to] the ordinances of the village, viz. the placing of hedges, and to the ordinances of the community of the vill.” Richard of Heworth; Thomas Perkinson; William Randolf, recently elected juror; John Fermour, reeve and juror; William Pouer, juror; and Hugh de Yoilton, juror (Halm. Rolls Autumn 1369). That some of their measurements were questionable surfaced the next spring; *all* of the tenants were ordered to view the lands of Richard of Heworth and place markers and divisions (Halm. Rolls Spring 1370). With the village offices and the making of the village regulations all in the hands of these few families, it is no surprise that the poor and even middling peasants felt exploited by their neighbors, and had little remedy other than to disobey.

Durham lacked public institutions for keeping order, and this further handicapped the Priory. There were no tithings or views of frankpledge in Durham that might have helped contain the strife (Morris 45). This lack of institutions cutting across social and economic boundaries hampered attempts at unity, especially as the enforcement of the rules and regulations emphasized those rapidly polarizing social and economic groupings. Most of those who regularly broke stints, refused to repair tenements, and so forth, were either the wealthiest or the poorest peasants. The wealthier tenants broke the rules because they knew that they could get away with it; if they were not jurors, they could hide offences from the lord or intimidate the village officers into silence. Even when presented, there was no guarantee of punishment; the preferential treatment helped the Priory retain good, productive tenants in a time when land was plentiful but people were not. When poor peasants broke the rules out of need, the bursar, terrar, or prior frequently lessened or eliminated the fines completely because of their poverty. The tenants who were neither poor enough to be excused fines nor well connected enough to receive preferential treatment suffered from these attempts at social control and domination. They and the poorer peasants increasingly broke the bylaws and injunctions out of spite, escalating the fight into a “class” conflict within the peasantry.

In this conflict, the peasants ignored the Priory rather than making it a conscious target, and this is seen in the use of forbidden courts. The Priory’s default of justice in the eyes of some tenants is witnessed by the fines for and injunctions against seeking help elsewhere. Some tenants were seeking relief in courts Christian, as evidenced by the bursar’s restriction that these

courts could only be used for breaches of faith or for probate (Halm. Rolls Summer 1379). Most Priory tenants could use only the Priory halmotes; the Priory denied access to other courts, including the bishop's halmotes. Litigation against tenants of other lords was to be handled by the prior, as when the Master of Kepier Hospital impounded the beasts belonging to the tenants of Pittington and East and West Rainton in the autumn of 1365. The bursar forbade them to seek remedy in the Master's court, requiring them to seek justice through the prior (Halm. Rolls Autumn 1365). The injunctions issued on this point during the 1370s and early 1380s indicate that some tenants no longer saw the Priory's justice as sufficient, and were looking elsewhere. The fine for such infractions rose, and in 1378 the bursar announced in Monk Wearmouth that the Priory had raised the fine to 20s. (Halm. Rolls Summer 1378).

The bursars steadily lost control just as social and economic divisions within peasant society were sharpening. Wealthier tenants increased their holdings with short-term leases and some may have used the village offices and the making of bylaws to strengthen their position and look after their own interests. As these families increased their wealth and status, many tenants were sinking into poverty. But there was also an increasing division between those who sought to promote and protect the old village community for their own ends, and those peasants who sought greater independence. In all this, the Priory struggled to improve its own position and preserve order, sending mixed signals to the peasants. The friction was increasing.

VIOLENCE BETWEEN NEIGHBORS

Tenants with grievances began to select self-help of a more antisocial nature, and there was a rise in violence concomitant with the increasing discord throughout the estate.⁹ In the years immediately following the Black Death, and, as far as can be known from the few surviving records, in the years before as well, the scribes enrolled most violent encounters brought before the halmote rather calmly. Spilt blood rarely occurred, or at least rarely was reported, while the drawing of knives in attack was uncommon, and other weapons unheard of. Serious attacks, or incidents involving more than two or three men, were very infrequent. Interpersonal violence was common, but not a threat to the social order. However, this would change.

The first unusually violent year was 1367, when the number of assaults and verbal attacks rose sharply from seven in 1366 to eleven; in 1365, there had been only four assaults presented in the halmotes, and in 1364, none (Halm. Rolls 1364–1367 *passim*). Several involved minor Priory officers,

with more assaults than in all the years since the Black Death. Unfortunately, the rolls for this year are badly damaged. Many details are missing; enough remains to indicate roughly what happened, but not always to whom or in what way. Nevertheless, even though the particulars are unknown, recorded interpersonal violence had risen swiftly and relatively sharply, and remained at this level into 1368 and beyond. The summer of 1368 was eventful. In the village of Ferryhill, William Trollop drew his knife and struck William the son of Hugh.¹⁰ That same summer, in West Rainton, Robert the son of Thomas, John the son of Adam, and Hugh Paston had been feuding, and they were ordered not to trespass against the others in words or deeds, under a fine of 40s. That same summer the bursar enjoined the tenants of Wolviston "to arrest all troublemakers (*contumelientes*) in the vill, who drew knives or swords against the peace, and if they are unable to arrest them to raise the hue and cry and that everyone come to aid" (Halm. Rolls Summer 1368). This did not halt the violence there; in the process of rescuing a distraint, a subtenant of Wolviston wielding an *irunfork* (an iron fork, i.e., a pitchfork) assaulted the village reeve (Halm. Rolls Spring 1369).

It seemed as if interpersonal violence had become a real problem on the estate. The number of assaults involved was very small; it is not as if every day saw a knife fight or pitched battles were occurring between village factions. Far more important than the number of assaults is the discontinuity in the description of and attitudes toward violence and more general interpersonal conflict. There was both an increase in the severity (or at least the perceived severity) of the assaults, and a growing concern over conflict in all forms, including slander, verbal abuse, and malicious trespass. Before 1367, most instances of violence in the rolls were affrays or assaults, presumably bareknuckle brawls; drawing of knives or blood was infrequent. From 1368 to 1383, swords and staves, bows and arrows figured prominently in assaults. Peasants frequently drew blood in the course of affrays, and inflicted worse injuries, such as broken arms and broken heads. Often, the attackers outnumbered the victim, and sometimes, men brought outsiders into the village for the attack, compounding the violence in the villages.

If neighbors could not get along within their village, relations with peasants from other villages could be worse. While tenants of a village were content to let their own beasts wander about their pastures without the supervision of the village herdsman, they were far less sanguine when they discovered beasts belonging to other villages. Sometimes these belonged to a specific individual, but at other times the guilty beasts belonged to multiple tenants, left to wander by their village herdsman. Outsiders trespassed as well, taking lumber, breaking hedges, or wandering through sown fields.

The tenants of South Shields were forbidden to harvest grain or to glean in Westoe, to avoid violence (Halm. Summer 1366). Men and women from outside a vill became involved in feuds and caused trouble in countless other ways. Strangers frequently entered the vill, often maliciously and at the invitation of certain tenants. Robert son of John procured men to enter the village and assault Hugh de Lomley of West Rainton. Robert denied this, and the halmote court sided with him; however, the terrar found Hugh's claim credible enough to pardon the usual fine for a false claim (Halm. Rolls Summer 1369).

If the bursar or prior thought a certain outsider was making trouble, he would issue orders not to house or shelter the individual (usually male, but sometimes female) in the village, but such orders were seldom effective. One example illustrating the futility of such orders involves John Lolles. In 1366 he was amerced for 19d. owed to Agnes Almouth. More importantly he had drawn his knife to strike Robert Swan, against whom he had brought a false plaint. The court ordered that none in the vill house him or take him into their company or retinue (*comitiva*) (Halm. Rolls Summer 1366). However, someone reported soon after that Adam Schropp of South Shields had taken Lolles into his company and sheltered him; the court amerced Adam and repeated the injunction (Halm. Rolls Spring 1367). Although Lolles disappears from the record, similar men and women who disturbed the peace and who were difficult to isolate or remove could be found in most villages.

To emphasize the level of violence, the jurors or halmote scribes sometimes employed the terms "maintenance" and "maintaining" in relation to several peasant quarrels. Although Robertson noted that maintenance was common among peasants in England (54), generally historians examine maintenance in relation to the gentry and nobility, as they could afford retainers and give liveries. In Durham, at least, it operated lower down on the social scale, as men and families banded together in common cause against their fellows. In the summer of 1377, a jury declared that all the troubles of Middlestone originated principally through John Smyth, and that John de Ferryhill and William Byng were his adherents "maintaining him in the aforesaid trespasses" (*in predictis transgressionibus manutenendis*) (Halm. Rolls Summer 1377). The selfsame jury had earlier that spring warned of such problems, employing another loaded term: rebellion (Halm. Rolls Spring 1377). The jurors, or the scribes—the originator of the terms is indeterminable—used these terms deliberately, evoking a direct comparison with problems elsewhere in England and underscoring the threat that those men posed to the village; the upheaval and conflict usually associated with the gentry and nobility affected all of English society.¹¹

One of the most common targets of self-help was the village pinder, whose duty it was to impound stray beasts and to assist in levying distrains by impounding animals. The impounding of one's beasts was not only irritating and possibly humiliating, but it also could affect a peasant's ability to practice agriculture. Not surprisingly, tenants wanted their beasts back. If they could not prevent the arrest, they would retrieve them. This was a common problem found on the bishopric estate as well, but the frequency of rescues suggests an especially severe problem, compounded by the fact that many such rescues ended in violence. The office's unpopularity could lead to defensiveness on the part of the officeholder. For example, the bursar fined John Child the pinder and three other men 40d. for drawing their knives in Billingham with intent to strike (Halm. Rolls Summer 1371). Perhaps John Child had been pushed too far, or had turned to an aggressive stance to deter any would-be rescuers of animals; a man in that position might have been willing to fight back, or even to strike first. In East Rainton, the pinder received so much abuse that the bursar and terrar ordered the tenants to respect his person and office on pain of a 20s. fine; but they had to repeat the injunction later that summer (Halm. Rolls Spring 1372). These conflicts surely contributed to the difficulty in filling the office in many villages, or at least were symptomatic of the difficulty in filling the office. Many tenants apparently enjoyed the absence of a pinder. As few men desired an office frequently in conflict with fellow villagers, some villages went decades without finding a man to fill the office (and perhaps not even trying), adding yet another element of disorder to the village.

Although most of this study has focused on the actions of men (since men as active agents are heavily overrepresented), women often played a central role in these troubles. Their combined social and economic role in selling ale placed them at the center of many disputes, and the frequent charge of refusing to sell ale to other villagers undoubtedly contributed both to their social power as well as to perceptions of them as troublemakers. Both the administration and the tenantry viewed women as significant agents in encouraging strife, as the women argued with each other and undoubtedly urged their men to take action. Take for example the feud between two women of Billingham, Joan the wife of Thomas Miryman and Betonia the maidservant of Richard Walker. The records do not state whether those two women had any sort of history; they may have had a longstanding feud, or perhaps it only took one small incident to bring them into conflict. In any case, in the autumn of 1382 the court heard that Betonia had beaten Joan bloody, and then trespassed against her in company with Richard and Alice Walker, to 20s. worth of damage. In retaliation for the mistreatment

of his wife, Thomas Miryman assaulted Betonia; consequently, the bursar stripped Thomas of his office for two weeks. The feud extended to a rescue by Thomas and Joan against Richard and Alice Walker "against the peace." This little conflict dominated the court business for Billingham that autumn (Halm. Rolls Autumn 1382). Both the Walkers and Mirymans were leading families of the village, although at that time neither man held important offices. Slander may have started the feud, or perhaps it arose from Betonia's amercements for leyrwite (Halm. Rolls Summer-Autumn 1382); perhaps Joan Miryman had made public Betonia's indiscretions. Certainly, the perceived danger of slander (usually attributed to women) in sparking violence was widespread. The bursars issued many injunctions against slander in the village, fearing that this would lead to further disorder. Bardsley has shown that scolding emerged after the Black Death, expressing a new combination of anxieties about both order and gender, and presentments for scolding were used for social control (1998a). This seems especially true of scolding in the Priory villages, where women often were associated with servants as causes of disorder.¹² Three women in South Shields were declared "common litigators," or scolds, in the spring of 1373 (Halm. Rolls Spring 1373). The bursars repeatedly instructed the tenants there to provide a cucking stool, but they ignored the repeated requests (Halm. Rolls Spring 1366, Spring 1366). A poor peasant woman of Monk Hesledon was amerced for calling a tenant a liar and a thief, but was pardoned because of her poverty (Halm. Rolls Spring 1374). Another scold in that village was fined the rather high sum of 20s. for continuing to stir up trouble despite being warned to desist (Halm. Rolls Spring 1376).¹³ Men could slander too, however. One man was amerced half a mark for a trespass on another couple in the village; he had called her "a whore, thief, and bitch of a neif" (*meretricem, latronem, et caculam nativi*) (Halm. Rolls Spring 1374). Certain words especially led to violence; "perjurer," "thief," and "neif" were strong insults, and in at least one instance led to a verdict of defamation and a punishment of 26s. 8d. (Halm. Rolls Summer 1376). The Priory increased the fine for calling another tenant *rusticus* ("serf" or "hick") from 6s. 8d. to 20s., reflecting the increased tensions and just how little incitement was necessary for violence (Halm. Rolls Summer 1378).

Aside from sharp words and scolding that devolved into bloody quarrels, there were more mundane instances of discord between neighbors indicative of the wider social problems. Tenants slew their neighbors' beasts, wandered through the crops of others, and took the rocks and stones from their own fields and threw them into their neighbors' fields. Litigiousness among tenants was common, and no doubt made worse by the presence of

ale during the court sessions.¹⁴ The bursar instructed the tenants of Over and Nether Heworth not to trespass against each other, so as to avoid violence (Halm. Rolls Summer 1372). The bursars ordered men to chastise their wives and servants and forbid them to argue with others, in a vain attempt to keep order and avoid more litigation and violence.¹⁵

By the late 1370s, assaults with daggers drawn occurred with such monotonous frequency in each vill that the halmote scribes ceased providing much detail unless the act was unusual, as when a man “who wished to calm” an assault was knifed in the process, or when William Seton attacked William Jakson “with bows and arrows” (Halm. Rolls Summer 1378). As with the plague, violence had become so common that everyone knew the details.

THE PRIORY’S RESPONSE

Little is known about the response by the bishopric steward other than the issuance of injunctions; but by 1372, the Priory officials had begun to grasp just how disorderly the estate was becoming, and took measures to improve the situation. In the autumn of that year, the first general injunction against drawing knives “for doing harm” (*pro malo faciendo*) was issued, in Kirk Merlington, threatening a 20s. penalty (Halm. Rolls Autumn 1372). The bursar followed this with an order to three men to arrest any malefactors and disturbers of the peace and put them in irons, and he warned the tenants not to intercede for any so arrested. As yet, this type of injunction was new and unusual, directed at problem villages rather than the entire estate.

Late in 1374, Priory officials came to realize the full scope and severity of the problems, and started taking stronger steps to curb the violence and reassert control. The senior estate officials began issuing more and broader injunctions to keep the peace within specific villages. Eventually, these were issued for the entire estate, such as this:

It is ordained with the assent of both the lord and all the tenants of the vills within his lordship that no one residing in the same [vills] draw dagger or raise staff to do harm under penalty of 40d. And also [it is ordained that] those who strike someone with stave, dagger, or sword will pay to the lord half a mark. And also [it is ordained that] women [should] hold their tongues, not cursing or litigating under penalty of 12d. payable by those found in default. (Halm. Rolls Summer 1379).

This was not the only measure that the administration turned to. By the time the disorder was so widespread that the bursars saw it as an estate-wide

problem, they already had begun to identify and isolate the main troublemakers in each village. The bursars constrained men prone to quarrelling or involved in particularly dangerous feuds to find sureties to keep the peace, at increasingly high fines: £5, £10, and even £20, a princely sum for a peasant.¹⁶ Yet even this did not halt the violence. Tenants and outsiders went about the Priory main estate well armed and more than willing to resort to violence over even trivial matters. Factional violence in the villages was getting out of hand, as men joined together to support each other in court and through violence. There was the strife caused by John Smyth and the men who “maintained” him in Middlestone mentioned previously. In Billingham, bursar John of Berrington amerced twenty-three men in 1369 for trespassing in the beans and peas of John del Tyne, destroying four thraves’ worth (Halm. Rolls Spring 1369). Some years later, bursar William de Aslakby ordered John Miryman and two other men of Billingham, and William Jackson of Wolviston, to stay away from each other, and if they or their servants or anyone acting in their name trespassed against the other they were to forfeit £5 (Halm. Rolls Summer 1375). Again in Billingham, de Aslakby’s successor required a certain William (whose surname was not given) and William and Juliana Sparowe to find sureties to keep the peace towards each other, and set the forfeit at £5 each (Halm. Rolls Summer 1377). The bursars continued to focus not only on the key troublemakers, but also on their friends; in 1378, John Miryman and his friends, and Robert Hardgill and his friends, both longtime jurymen in Billingham, found pledges for the sum of £20 each to keep the peace. These were two of the most powerful and well connected men in the village, and the size of the pledge reflects both this and the danger posed by such a feud (Halm. Rolls Summer 1378). Similarly high sums were imposed throughout the estate. In Over and Nether Heworth, an inquest was ordered to see if Roger Newman had beaten the servant of Thomas Leward, and the two men were forced to find pledges for £20 to keep the peace (Halm. Rolls Autumn 1379). In Dalton, John Gillet fell prey to an assault at night by another tenant “and his associates” (Halm. Rolls Autumn 1382), and there are other instances of violence or fear of violence involving specific individuals. Sporadic, individual violence and disorder had evolved into maintenance and “rebellion” as factions developed within the villages, and, finally, the Priory officials had comprehended the scope and cause of the troubles and now tasked themselves with putting an end to the violence.

The bursars targeted one particular activity above all else: football (*pila pedalis*).¹⁷ In 1377, the bursar banned the game in Aycliffe, and four villages received similar injunctions in 1379, under threat of a penalty of 40s. (Halm.

Rolls Spring 1377, Spring 1379). Similar injunctions against football followed fairly regularly, until 1389. The reason for the ban on what we would consider an innocuous pastime is simple: many of the injunctions against the sport specifically mentioned the potential for violence. Despite heavy fines, these prohibitions did little to halt the practice. As late as 1506 the Priory was issuing injunctions against the sport (Halm. Rolls Spring 1506); even today, an old form of football is still played at Sedgefield (a bishopric village) annually on Shrove Tuesday. As the Priory cracked down on the game only sporadically, it is clear that the bursars usually tolerated football despite its illegal status. However, in periods of increasing violence (real or perceived) the Priory came down hard on the sport, and the issuing of orders coincides with upturns in violence on the estate.

The various steps outlined above were not immediately effective, but they formed part of a broader program through which Priory officials attempted to reassert effective control over the villages. The goal of these changes was not merely to end the violence, but to restore order to the estate. The problem of villages refusing to appoint pinders was solved, in theory, by declaring that all of the tenants fulfill the office in turn; no one could dodge responsibility. The bursars demanded that the villagers appoint more men as village officers, often charged with protecting specific targets of violence or appropriation. In 1375, bursar William de Aslakby appointed four men as keepers of the park at Aycliffe, and later in the summer he appointed four men as constables (Halm. Rolls Spring-Summer 1375). In the eyes of the Priory, disorder was rising on the estate, and the bursars had to control it.

Through these and other actions, the bursars endeavored to demonstrate their seriousness to the tenantry and reverse the perception that the Priory was ineffective. This active intervention, and the severity of the fines imposed and threatened, eventually took effect. The level of violence peaked in 1374–75, and while it continued for some years after that, the escalation stopped and the severity of incidents lessened. Nevertheless, the Priory estate continued to be on the verge of violence for years to come. The atmosphere of violence reached its crescendo in 1381 and 1382, and then dropped dramatically for no apparent reason. Violence and conflict did not disappear completely, but the general injunctions described above fade from the records, replaced by instructions to the tenants not to “trespass against each other in words or deeds,” and references to weapons become rarer. It was not until 1390 or thereabouts that the bursars and the tenants really seemed to relax.

The coincidence of the crest and subsidence of the Durham violence with the 1381 Rising and its suppression is startling, but the differences

between the two events are even more striking. The rising tensions in Durham were not due to strains in the lord-tenant dynamic. The new policies of both bishopric and Priory benefited many peasants. While the tenants flouted the rules and made casual use of demesne lands for pasture and sport, most infractions against the Priory and bishopric were either simple opportunism or else were symptomatic of conflict within the peasantry. Potential resistance against seigniorial demands foundered on an “it’s not my problem” attitude towards the sufferings of others. Many of the Priory’s policies catered to the interests of the more substantial customary tenants, and without them the peasantry was shorn of its most effective leaders and figureheads. Elsewhere in England, these men—the reeves, jurors, and so on—were at the forefront of the 1381 Rising as well as local movements.¹⁸ On the Priory main estate, they clashed with each other and with the other villagers, sometimes aided by the bursars. These social conflicts exacerbated economic and demographic problems in Durham. Tithe receipts show that the hope raised by increasing output in the early 1360s was quickly dashed by a severe drop around 1367, followed by low outputs to 1381 (Dodds 2002b, 15). Low yields and consequent rises in prices create tensions, and this accelerated the polarization of village communities into haves and have-nots. Simultaneously, divisions arose between families of similar wealth and status. The ameracements for violating communal agricultural rules and responsibilities were symptomatic of increasing individuality and the desire by some peasants to lessen or even to break away from communal dependence.

The most visible change was the leasing of customary lands for terms of years. Although the Priory benefited from its leasing program, the main impulse came from the tenants, most likely those substantial customary tenants who could indulge in economies of scale (relative to other peasants), speculate on the land market, and produce for market consumption. The switch to leasing encouraged individualism at the expense of the community. As the adoption of leasing varied from village to village, this cannot have been the sole cause of the violence, and in many cases did not contribute at all. In some villages where disorder was a major problem, such as Billingham, leasing did not become widespread until *after* the violence had declined. Chronologically, leasing correlates more with the decline of violence, and the pace of leasing quickened considerably right as the violence peaked. It may well be that the move to leasing quelled unrest by providing an acceptable outlet for those peasants with an independent streak, yet it also indicates that the villagers who clung to older ideas of community had lost. Community cohesion, such as it had been, was gone forever.

A CHANGING VILLAGE SOCIETY? THE BISHOPRIC EVIDENCE

We are in the dark concerning events on the bishopric estate; one halmote book ends in 1362, and the next one does not begin until 1388. Part of a roll from 1381 survives, but its fragmentary nature limits its use. *Hatfield's Survey*, compiled in the early 1380s, provides further evidence, though little for social history. Thus reconstructing the history of the bishopric in these times depends on comparing the material from 1358 to 1362 with that of the early 1390s (which is discussed in the next chapter). Fortunately for the historian, there appears to have been broad continuity; so instead of attempting to extrapolate changes, the focus is on the slightly easier task of understanding why there was no significant change.

After 1358, when the defeat of the feudal reaction swung the pendulum in favor of the peasantry, resistance continued; in part this was because de Westle continued impositions and other elements of Gray's administration, and because the sergeants and bailiffs whom Hatfield had offered as scapegoats had yet to be punished. Once de Westle altered his policies and those men had been punished, once the terms of oppression seen earlier disappear and the records no longer speak of coercion, organized resistance began to decline. Although the movement ended, resistance did not, as seen in Figures 6.1–3. The peasants reacted against de Westle's policies, particularly through concealment of the information he desired. Tenants continued to absent themselves from court, to steal from the bishop's lands, and to act in contempt. Some of this may have been confidence, some of this was to keep the pressure up and maintain the initiative. However, by 1360 resistance was declining, although it did not reach the low levels of the early 1350s. Although peasants continued to act out against the bishop and use the bishop's resources for their own purposes, the records lack the pejorative language of earlier tours. The scribes rarely described the peasants as assaulting the bishop's rights "maliciously" or "willfully." There was still contempt, there was lack of respect for the steward, but these descriptions seem almost rote. Attendance at the halmotes increased, tenements were repaired, and juries cooperated. Offenses against the bishop or his rights were more individual, as vills showed up for court on time and chose officers acceptable to the steward. The bishopric returned to the normal jousting between lord and tenant, combining guerilla warfare with individual opportunism. The peasantry had come out somewhat stronger, but the strength of the bishop was far from spent. The bishop's officers protected his rights and extracted what they could, pushing the peasants but not to the point of organized resistance. Individual tenants evaded and reduced as many dues as possible,

while indulging in as many illicit opportunities as they dared, skipping court and work services, taking extra wood, or neglecting to inform the ale tasters of the latest batch of ale. This was everyday resistance, a fine sort of brinksmanship, as everyone tried subtly to readjust the equilibrium in their own favor without inviting reprisal.

In this new situation, the village institutions had a smaller role in resistance. The village officers had fewer reasons to abet their fellow villagers, although sporadic ameracements for failure to present meant that the village officers were not as assiduous as the steward wished. This was a time for personal initiative, not group action. The quick disappearance of organized group resistance is surprising, as the bishopric peasantry had so recently demonstrated the efficacy of that approach. While the bishop's eventual censure of his officers may have been sufficiently palliative, the peasants were also realistic, recognizing that those moves were an olive branch clenched in an iron fist. A mutual desire to avoid conflict eventually brokered a tacit compromise: de Westle continued to stabilize and reinforce the bishop's position but muted the earlier tactics, and in return, the tenants ceased their general resistance and returned to the older means of thwarting the bishop. The age old dance had resumed, in the peasants' favor.

The great surprise was that the *bishop* had caved in so easily. As bishop palatine, Hatfield had access to considerable ecclesiastical and regalian powers, and yet, aside from the coroners, he did not use them. Compared to what happened at Halesowen, it is almost as if the feudal reaction had been cut short before it had truly begun. Why not suppress the tenants, levy large fines, and demand heavier rents and services as many other lords of lesser stature would do throughout England? Perhaps more happened in 1358 than we know of from the surviving records; alternatively, Hatfield and his advisors were exceptionally shrewd and chose to avoid risking open confrontation. Hilton argued that the 1381 Rising scared many lords who had not been directly affected (1973, 230–232), and in Halesowen, the abbot did not lower fines until faced with rebellion (Razi 1983, 164–167). It would seem that Bishop Hatfield was more perceptive and ceased the worst of his exactions before the unrest got out of hand, even though it took renewed resistance to cement these changes.¹⁹

De Westle did have problems with the tenants; this was no seigniorial paradise. Hedgebreaking was an issue, as was breaking of folds and closes. Tenants encroached upon the bishop's land, such as three tenants of Bishop Wearmouth who made a *mala via* through the bishop's corn (PRO DURH 3/12, f 223r). Even entire villages occasionally trampled upon the bishop's rights, by taking wood and underbrush or failing to come and work on the

walls of the mill (PRO DURH 3/12, ff 203r, 228v). Some infractions could be spectacular, as when Robert Myot, chief juror of Wolsingham, received an amercement of £5 for taking timber, stones, and other goods away from the manor there, as did six others (including another two jurors), whose fines ranged from 5s. to 40s. (PRO DURH 3/12, f 197r). Even this may be an extreme example of opportunism rather than spiteful resistance. Tenants, even whole vills, failed to provide food and other supplies for the steward and his retinue during the halmotes. Clear, politically motivated resistance was abating. Most such infractions were individual crimes of opportunity more often than resistance directed at the bishop, and de Westle commanded villagers to be on the lookout for certain habitual offenders and distrain them (PRO DURH 3/12, ff 261v-264v). In comparison to what had gone on in 1355 and 1356, the situation was healthier. There was disrespect, there was abuse of the bishop's lands, there was failure to perform services; but the atmosphere was different. Actions were now performed out of carelessness or for personal gain, not maliciously or in contempt of the lord bishop. Troublemakers simply skipped court and paid for the privilege; in some courts, the absence of certain individuals would become so regular that it would be better to say that tenants paid to miss court, rather than they skipped court. Collective infractions became rare, and generally involved the taking of wood and brush or else trespass on the bishop's lands (likely with beasts that got loose). In short, resistance was now individual opportunism or retaliation, not solidarity against oppression.

This provides an excellent model of lord-peasant relations. Initially, Gray tempered the harshness of the feudal reaction with compromise, and the peasants generally went along with this. However, the resentment was there, and after Gray increased the pressure around 1353, resistance increased as well. At the height of the reaction, a peasant movement coalesced, Hatfield gave in, and resistance dropped; however, as the reaction continued and the men responsible went unpunished, the movement resumed, and resistance did not really decline until the peasants received what they had been promised and the bishopric policies had been changed. There are several striking features. One is that both sides tried to avoid confrontation, and when confrontation did occur, it was seigniorial policy that shifted, and fairly quickly. More importantly is the variety of tactics. A peasant movement took time to form; rebellion was not the first option. Even during the movement, most peasants preferred to stick with less confrontational tactics, such as skipping court or work services. These were probably more effective than the "malicious" acts, and they show again an attempt to force change without going to extremes. Overall, this was a complex, dynamic period,

and administration and peasant sought to make changes more through small adjustments than grand claims or actions, preferring negotiation and "weapons of the weak."

CONTINUITY AND CHANGE

Village life in the bishopric remained stable. Perhaps the most significant constant was the tenurial pattern. Despite high mortality, fugitive tenants, and widespread economic distress, the distribution of land appears to have remained fairly static. The evidence from subletting is ambiguous. The large number of sublets that de Westle discovered could indicate a substantial number of landless or under-landed individuals or families; at the same time, it might reveal an attempt to find flexibility within a system that preferred to keep holdings intact. T. Lomas found little evidence of multiple holdings on a large scale in his study of the Durham land market (1984, 309). As seen in *Hatfield's Survey*, there was little engrossment of bondlands, the core holdings in a village. This provided some stability in both local politics and in agriculture. With the other tenures in the bishopric, the cottages and exchequerland, there was engrossing as men enlarged their holdings. One example of this is Gilbert Spurnhare (or Spurner), who in addition to his messuage and thirty acres of malland held sixteen cottages and sixty acres in Norton (*Hatfield's Survey* 174–176), underscoring the importance of subletting in the bishopric. Although his collection was exceptional, other tenants of bondlands supplemented their holdings with additional cottages or exchequerland. Of those tenants holding only cotland or exchequerland, some were truly smallholders, with only a few acres, while other managed to cobble together multiple holdings to gain acreage similar to that of the husbandmen. The variety within the bishopric makes generalizations difficult, but on the whole most villages had a broad distribution of lands. It was very rare for one family, or even several, to dominate customary landholding in a village. Some men certainly gained, but whether this was a new phenomenon is not clear. The lack of any evidence for landholding before the Black Death (*Boldon Book* aside) is lacking; and there are sufficient references in the halmote books to men taking the "whole tenure" of another to suggest the possibility that such engrossment may have been going on before the Black Death. The terms of landholding remained unchanged, with nearly all holdings taken for life; leases for a number of years were rare. The lands were essentially copyhold, and the numerous references to tenants' *copia* or *recordum* are sufficient to conclude that each tenant received a copy of the terms when they took up the land.²⁰

There was some disruption in agriculture, similar to what was taking place on the Priory main estate. This was not new; many of the problems were present immediately after the Black Death. One of the earliest entries in the halmote books marked an amercement for trampling of village crops, followed soon after by a rescue from the pinder (PRO DURH 3/12, ff 2v, 3r). In 1350, Sir Thomas Gray fined twenty-one tenants in Sedgefield 6d. each for breaking hedges and closes, and fined nineteen in Sadberge for the same offence two years later. This was a recurring problem, and the halmote books record several tenants in most villages being amerced each tourn for this offense. The highest number of tenants amerced in a single village was thirty, in Norton in 1354.²¹ The majority of agricultural infractions or trespasses involved (or likely involved) animals breaking closes or trampling crops. Pinders failed to impound animals, and occasionally had those animals in custody taken from them. Tenants overburdened pastures. If many of the instances of hedgebreaking involved animals, this would reinforce further the view that pastoral husbandry was becoming more important on the bishopric estate. This transition, while not smooth, apparently was not divisive (as it would be on the Priory main estate). Rescues from the pinder rarely occurred more than once or twice per tourn, on the entire estate. Only a handful of villis refused to find pinders, and only very rarely did they do so for years at a time. It was easy to find pinders, in part because the office came with land, usually around twelve acres; one man paid an entry fine of 5s. for the office and the land in 1349 (PRO DURH 3/12, f 13v).

Violence between villagers was rare in the surviving records; even at the height of the feudal reaction, assaults were uncommon, despite the tensions and trespasses. However, it appears as if the bishopric too suffered unusual violence between tenants, as Britnell noted (1990, 39–41).²² The bishopric steward issued the following injunction at Sedgefield and repeated it throughout the estate in 1381:

The order is given [to all the tenants of the vill] that none of them draw their knife to strike under penalty of 40d., and that none of them strike with knife or staff or with any other instrument under penalty of half a mark, and that none of them implead another anywhere but in the halmotes under penalty of half a mark. (PRO DURH 3/135, m 1r).

This was not the only injunction the steward issued to bishopric tenants, however. The fragments of the 1380/81 halmote rolls contain orders against rescues from reeves and bailiffs, the slandering of jurors, and quarrelling women, as well as threats about overcommoning, broken stints, and

problems with the selling of ale (PRO DURH 3/135). These entries reflect the atmosphere of unrest and violence seen on the Priory main estate. The penalties imposed were less than on the Priory, and the violence seems more threatening than real, but the latter at least was still true for several more years on the Priory estate. Unfortunately, the fragmentary nature of these rolls, and their late date relative to the violence on the Priory estate, render analysis difficult. Durham likely saw a wave of violence and upheaval in the late 1360s and 1370s. This is not surprising; the bishopric peasants would not have been insulated from the economic and agrarian conditions that contributed to the crisis on the Priory estates. What would be surprising would be a lack of any violence, given the close connections between villages. The outcomes would be different, however. Any conflict between peasants on the bishopric estate apparently did not create lasting fissures in the communities. Possibly the lack of engrossment on the bishopric estate resulted in a stronger communal bond or a stronger role for consensus, or perhaps the agrarian and tenurial structure was more flexible and caused less permanent friction. Furthermore, any violence or upheaval was not lasting. Perhaps the bishopric halmotes offered a better chance of justice. The events of the period are mostly lost to us, but even on the bishopric estate there seems to have been transformation accompanied by growing pains.

A more observable change was the decreasing visibility of estate ministers. The coroners and bailiffs were becoming infrequent sights in the villages. Their contacts with the peasantry often had been unwelcome and oppressive, making them the natural targets of peasant unrest, but by the end of the century, the halmote records rarely mention the manorial sergeants after their punishment; the coroners appear almost exclusively to levy distraint for attendance at the county court. Their reduced role may well have been intentional, designed to minimize friction, and again, while this did not solve all of the problems, it would have been another careful, symbolic move. The reeves and juries became even more the primary contact points between the administration and the villages. The reeves and jurors were competent local men with enough personal power to be able to play village politics and function as intermediaries. To an extent, this transformed them into potentially greater objects of resistance, taking the place of the bishop's own officers. However, the change gave them more power, initiative, and independence from both lord and village, which helped to ease relations with the administration. Although the village officers earlier had been pinched between the bishop and their fellow villagers, these changes relieved much of the pressure; or, given the number of amercements for concealing

information from the steward, the jurors and reeves were more willing to resist seigniorial demands.

These changes were by no means swift, and the overall adaptation to the changed conditions after the Black Death and the feudal reaction was slow and incomplete. The new seigniorial policy, with its focus on firmer control of land, appears to have been beneficial for the peasantry on the bishopric estate, both in terms of options as well as maintaining just enough pressure to preserve ideas of solidarity. Further outbreaks of plague would destabilize the system, but bishop and tenants had learned to cope with such changes. Individuals may have suffered, but the administration and the peasantry had become more resilient, and this is especially true of village organization.²³ The tenurial, and subsequently the social and political, makeup of the average bishopric village thus remained remarkably unchanged. While the first pestilence had profound influence on the relationship of vill to estate, the halmote records reveal no appreciable change in the intra-peasantry dynamic, socially or economically.

Such changes as wracked the Priory communities did not occur in the bishopric villages. Although there is little evidence for the intervening years, and despite some violence and disorder, the village communities return to view in 1388 looking and functioning much the same as they did in 1360. There were quarrels, but no real feuds, and those quarrels were settled in the halmotes rather than by violence. Communal agricultural activities operated normally, to the point where the historian can deduce little about agrarian activities because there were so few infractions. The bishopric steward had to issue and repeat injunctions respecting bylaws or communal performance far less than the bursars did. If anything, the bishop and his steward seemed more willing to let the tenants litigate against each other in court. Thus, the picture is one of functionality: peasants breaking folds and hedges but using the services of the village herdsman, lending each other money and goods, and taking land communally. Given the lack of evidence, we can only speculate as to why the village communities on the bishopric remained so stable. One answer might be the greater freedom accorded to the peasants by the stewards and bishops, contrasting with the active involvement of Priory officials. Another answer may simply be that the collective mentality of the bishopric peasantry preferred the older ways, and that those who chafed at the rules left (possibly for the Priory estate, although there is no strong evidence). In any case, the divergent paths of these two estates underscores the importance of looking at local conditions and interactions, and the diversity of events.

Chapter Nine

Crisis and Stability, 1384–1400

Although events on the Priory estate took a new turn around 1384 with the decline of violence and disorder, beginning in 1388 it is possible to compare the bishopric and Priory main estates side-by-side, really for the first time. Such a comparison reveals both similarities and differences. Faced with similar needs and similar problems, both bursars and bishops continued to exercise their authority. The administrative changes that they made in previous decades, combined with their restoration of order, had imbued them with new confidence and authority. How the two administrations would manage that confidence and authority would differ; the bishopric stewards would continue the generally hands off approach, though with increased pressure in some areas, while the bursars would continue to involve themselves in village affairs as before. Neither wished nor dared to precipitate any drastic changes in lord-tenant relations. The outcome on the estates would depend on how the peasantry reacted to the seigniorial policies. As for the peasants, they continued to have their own concerns. While the open violence subsided to normal levels, anger and frustration still simmered. The tenants continued to adjust to the changes wrought in the wake of the plague, and the adjustments were not always easy.

Doubtlessly, both the peasants and the estate officers observed and evaluated what was happening in neighboring villages, in some cases experimenting with similar ideas, as when bishopric stewards leased out some customary tenures. On both estates, the situation was tense and tentative, as lords and peasants felt their way to a new world, sometimes blindly. Worse, there would be another crisis in the 1390s, again offering opportunities for changes. Out of this, both estates emerged on the same path they had held before that crisis. By 1400, stability had been reached on both estates, albeit a stability before further troubles, and the halmote records for both estates reflect this into the first quarter of the fifteenth century. After that,

the picture becomes less clear; the good, full series of halmote records on both estates end not long after and do not resume until the 1440s. There are some records to fill that gap for the Priory main estate, but these mostly are estreats and ledgers of customary leases that do not evoke the everyday world of the Durham peasant. As with the rest of England, Durham suffered an economic recession in the middle of the fifteenth century.¹ Investigating what happened then is beyond the scope of this study, and an analysis of the second half of the fifteenth century in Durham might best be undertaken from the vantage point of sixteenth century events. The task here, then, is to close off the transformative period after the Black Death. For both estates, finding the answer is complicated, as the nature of the records could imply similarities that did not really exist or mask those that did.

SEIGNIORIAL ADMINISTRATION AT THE END OF THE FOURTEENTH CENTURY

The conditions confronting the bursars and the bishopric stewards were similar. They needed to keep the estates running, ensuring that work continued on the remaining demesnes and that revenue was sufficient.² Lands had to be kept in good heart, and tenants found for vacant lands. The administrations also needed to maintain order in the villages, both in terms of suppressing violence and disorder, and in maintaining proper deference toward the lord. In doing all this, they had to deal with the peasantry. The peasants had the power of scarcity on their side, as the lessened population made finding labor and tenants a problem. In addition, there is the possibility that the recent peasant rebellion in the south reminded the stewards as well as the bursars of earlier unrest on the bishopric estate. As for the peasants, they had their own concerns, further complicating the administration of the estates. Thus, both bursars and stewards had to find the right mixture of coercion and cajolery to induce their tenants to cooperate with them.

As had been the case since the plague first struck, the primary concern was keeping lands properly tenanted and tenements in repair. The Priory halmote records regularly listed the lands in each village that were tenantless; some had lain waste for a long time. When the bursar succeeded in finding a tenant, he often mandated repairs as part of the terms of the lease, sometimes even providing materials or reducing the rent for a few years in exchange. The bursars could not always find a tenant, and so they occasionally resorted to assigning the vacant lands to other tenants. Bursar John of Newburn did so in Billingham with the five acres of John Yong described as "for a long time waste," which he assigned to William de Schotton, William

Grisby, and John Lord at half the rent; the lands had earlier been assigned to the tenants as a group (Halm. Rolls Autumn 1386; Spring 1390). This was an extraordinary measure on the Priory main estate; most of the time vacant lands remained waste until someone claimed them. Bishopric officials had ceased impositions long ago. They preferred to entrust the vacant lands to village officers to demise or work as they saw fit, often just for grass; this produced at least a little return from otherwise profitless lands. The stewards also leased out some lands for a term of years, or sold a license “for holding” or “for cultivating” certain lands, which fell short of even a formal lease. Vacant lands appeared to be a regular part of each estate, now, and while this was not preferred, the directors of each estate had found a number of tools to lessen the impact.

For the bursars, the solution had been leasing customary lands. In the late fourteenth century, the terms of the leases did not change; as noted in Chapter 7, the formulae were interchangeable except for the length of the tenure (for life or for a number of years). At this point, there was little standardization of the length of the leases; some were only for one year, some were for twelve, some for thirty or more. The lands taken on lease were at the same rents and services of the previous holder, and sometimes present the same ambiguity, being “held as [the previous holder] held” the lands. The transition from life interest to lease was irregular and dependent on the choice of the tenant; a few even chose life leases even after 1400. It is clear that much of the drive for the leases came (or did not come) from the tenants and their own preferences. Some of the more dominant families continued to take lands for life, others preferred leases, and the same was true for the overall peasantry in general. However, by 1400 leases generally had replaced life tenancies. Nevertheless, in the Priory’s early fifteenth century survey, there appears to be little real difference between lands held for term of years and life tenancies (B. Bk. E, ff 1–22). The major change was the gradual elimination of entry fines for leased lands, although this too took time to become standard policy.

On the bishopric, the entry fines did not disappear, but the bishops lowered them significantly. Entry fines in the wake of the Black Death had been high, sometimes ten marks or £6 for a bondland, and a shilling per acre for many other tenures. As little survives from 1362 to 1388, the timing of the change cannot be determined, but by the late 1390s the majority of entry fines were less than 3s. 4d.; most of those were under 2s.³ Some holdings did command higher fines, some even over 20s., but most were low, with many at 6d. At the same time, many demises also included a license to sublet the holding, for an additional 6–12d. Although this is clear from a perusal of the

Table 9.1. Comparison of Bishopric Entry Fines, 1349 and 1400.

	<= 2s.	2s. 1d. to 3s. 4d.	3s. 5d. to 19s. 11d.	=> 20s.	Total
1349	152 (18.8%)	66 (8.1%)	265 (32.7%)	327 (40.4%)	810
1400	113 (62.8%)	14 (7.8%)	43 (23.9%)	10 (5.5%)	180

Source: PRO DURH 3/12, ff 2r-33r; 3/13, ff 300-334r.

Note:

Entries for which fines were unrecorded or illegible are not included, as are lands for which a relief was charged (rather than a *gressuma*) as these were not considered customary land. 1349 was an unusual year due to the large numbers of takings, immediately after the Black Death, but it provides a unique glimpse at the range of entry fines during those tumultuous times.

halmote books, comparing entry fines in 1349 and 1400 illustrates both of these changes.

Overall, just over seventy percent of entry fines were less than 3s. 4d. in 1400, compared with less than twenty-seven percent in 1349. Although some of these were for small parcels of land, this category included most of the core holdings; for example, one husbandland (a messuage and thirty acres) plus four acres of exchequerland in Burdon, taken for life and with a license to sublet the holding, incurred an entry fine of only 1s. in 1400 (PRO DURH 3/13, f 307r). The small and regular nature of the fees could indicate that for many holdings these had become little more than license fees; although the steward was successful in demanding higher fines, he got more than 20s. just over five percent of the time. Some lands were leased out for a term of years, and at other times the steward sold a “license to occupy” or “license to cultivate” for a year, but most transfers of land were for life, under the usual terms as they had been since the Black Death. The drop in entry fines may be linked to the increase of leasing on the Priory estate; as many Priory leases offered the same terms but without entry fines, this may have caused keener competition for tenants in Durham.

Although the previous three decades had witnessed a quickening of the transition from the older manorial economy of obligations and services to one based on a cash nexus between landlords and tenants, both bishops and bursars continued to value their rights over people as well as over lands and rents. They demanded and employed customary labor services for hay-making, reaping, and for carrying loads around the county; these were old

services, retained because they were suited to a limited demesne operation and basic functioning of the estate. The few surviving records indicate that bishopric bailiffs employed customary labor on the lands that the bishops retained. For example, the collector's account for the bishopric vill of Sedgefield for 1397/98 noted certain changes regarding commutation, stating that for certain works "no more [money payments are to be accepted] for this year, and henceforth [commutation will be] at the lord's will" (CCB B/65/1). Although most Priory demesnes were in the hands of farmers by this time, the bursars collected the works due at those manors they did retain, at times even commuting fewer services than they had before the plague. Perhaps more surprisingly, the lords demanded that tenants continue to work at the manors even when these had been leased out to manorial farmers. In the summer of 1389, bursar John of Newburn declared that the lands of Gilbert Elvet in Westerton owed labor at the manor of Merrington (either four days with food, or two without), and one cottage of Robert Tomson owed the same; a similar declaration was made for lands in the neighboring vill of Middlestone (Halm. Rolls Summer 1389). Two years later, John of Newburn's successor reminded Robert of his obligation, ordering the bailiff to ensure that he rendered the necessary services, and also issued similar orders in Over and Nether Heworth, Dalton, and Monk Hesledon (Halm. Rolls Autumn 1391). Leases of bishopric manors to farmers often included the customary labor services, and some farmers did make use of those services (PRO DURH 3/14, ff 43r, 155r). Some tenants tried to wriggle out of their labor duties by sending servants and children; in Billingham, this practice was extensive enough that the bursar ordered the tenants to cease sending boys to do work on the mill chase (Halm. Rolls Autumn 1383). Control over labor was not restricted to customary service, as those who sought to work for a wage were limited as well. To a limited extent, the late fourteenth century even may have seen a reversal of earlier commutations.

In addition to labor services, the "servile" dues of merchet and leyrwite continued to be collected on both estates. Given the decline of entry fines, the continued collection of leyrwite and merchet are not necessarily expected. If the peasants had enough bargaining power to end any connection of entry fines with the market value of land, they might have been strong enough to force the end of these fines as well. Yet the steward continued to levy them. The usual rate for leyrwite was 6d., as it always had been; this is considerably less than was collected in Tavistock, where the rate was 5s. ½d. (Finberg 78). The rate for merchet declined from the highs of the 1350s. One or two shillings became standard for maidens and widows (including bishop's widows). Higher fines could occur, based on the wealth of the woman or her father.

Alice the daughter of Robert Hardgill was charged 6s. 8d. for her merchet in 1390; the terrar reduced or eliminated the fine (Halm. Rolls Summer 1390). On the bishopric estate, the steward levied a fine of 16s. 8d. in 1392 (PRO DURH 3/13, f 44r). These levels fall within the range found for other estates; at Tavistock Abbey, merchet ranged from 15d. to 2s. 6d. depending on whether the woman married on or off the fee (Finberg 77–78), and at St. Albans, merchet fines ranged from 6d. to 4s. (Levett 237–239).⁴ Dyer found that merchet and leyrwite fines in the bishopric of Worcester had been as high as £1 before 1381 but declined in the 1380s, and that the stewards avoided imposing high fines for fear of unrest (1980, 273–275). The same appears to have been the case in Durham.

All the while, the administrations had to contend with peasant resistance and, more often, opportunism. It is easy enough to trace the broad outlines of the different policies (or lack of policies). The effect that these had on lord-peasant relations is a different matter. Overt lord-peasant conflict was not a factor on either estate, although the decline of merchet and entry fines may indicate a cautious fear of unrest. Yet, both estates had to contend with substantial noncompliance and theft of seigniorial resources, making the negotiation of power even trickier. While it might be easy to conclude that on both estates the balance of power lay with the peasantry, there are enough instances of seigniorial power to show that the negotiations taking place were far from lopsided. It is thus the interaction of the two sides, and the ways each read the other, that was significant. On both estates, the outcome of events at the end of the fourteenth century turned on the interplay of internal politics of order and community with seigniorial initiatives.

Encroachment of lands and taking of resources had become almost institutionalized on both estates, as tenants took brush, extended their holdings, and wandered with their animals through seigniorial lands. On the bishopric, these infractions provide a glimpse of peasant initiative and the range of resources from which they stole, such as the tenant of Lanchester who was caught out burning wood and heather on the moors without permission (PRO DURH 3/13, f 20r). Thefts of coal were rare despite the presence of pits in the bishop's lands. The bishopric halmote books also show the little ways in which tenants encroached, as when William of Stockton occupied a ferry three weeks past the termination of his lease (PRO DURH 3/13, f 350r). Priory tenants willfully trespassed in the gardens and pastures with their animals, and mowed on Priory lands. On both estates, tenants often chose a policy of self-help, retrieving animals or other goods that had been impounded. They disobeyed orders. Men refused to come when summoned, as when the tenants of Cornforth failed to mow the hay in one

of the bishop's meadows in 1393, or when the tenants of Chester-le-Street did not repair the mill there in 1392 (PRO DURH 3/13, ff 105r, 59v). Tenants failed to show up for court as well. In the 1350s and 1360s, absence from court had been indicative of resistance on the bishopric estate. Now, it was standard. Absence by an entire vill without excuse was extremely rare; absence from court became a personal statement only, as likely connected to interpersonal litigation as to lord-peasant relations. Amercements for these and other offenses often were so low, so regular, and applied so evenly as to be more license or tax than punishment.⁵ Men began to absent themselves regularly and were amerced 6d., but the records relate no real concern over the absences, and in the bishopric halmote books, these absences form their own section rather than being scattered about the business. One of the general historical observations about peasants and resistance in medieval England was that peasants abhorred uncertainty and interference; many of the policies on both the bishopric and the Priory main estate turned opportunism and resistance into everyday certainties.

Peasant noncompliance was a fact of the times; the economy gave them strength, and there was only so much they were willing to stomach. The peasants' prime motivation, it seems, appears to be individual opportunism; there is no hint of any real friction, let alone collective action. The decline of entry fines, among others, indicates that the balance of power lay with the peasants, yet the lack of infractions indicates that they were unwilling to push this too far. The bursars and stewards dealt with them by giving them some leeway, allowing them to pilfer and encroach so long as the peasants did not challenge their authority openly. They acknowledged the peasants' power and the economic situation, but this was not a defeat; giving up altogether, or causing a revolt, would have been defeats. Rare indeed were indications of ill will or actions "in contempt," tumults in court, or willful attacks on the bishop's or Priory's rights solely for spite, although these occur enough to indicate that they were being recorded. In the autumn of 1389, Alexander del Raw of Billingham was fined "for damage and opprobrium" to the terrar and bursar (Halm. Rolls Autumn 1389). Far more common was the refusal to provide food and lodging for the bursar or steward and his retinue during the halmote tourn, but even this was an isolated phenomenon, an incident here, an incident there. There are no indications of sustained or general unrest in the halmote records of either estate. Seigniorial rights were maintained carefully and infractions were reported even if they could not be prevented.

Why did the bishops and bursars allow the peasants to do so much, without a concerted effort to ensure compliance? It could be said that they

were weak and unable to enforce their own rules, thus the repeated offenses. Yet, the bursars and stewards did investigate these infractions, punishing concealments of facts or the refusal of village officers to act; if they were truly weak, we might not know of much of this. Moreover, the administrations were far from supine. The level of amercement remained unchanged based on custom or bylaw, but the stewards could levy punitive fines and the bursars often issued strong injunctions. On both estates, they targeted categories of infractions more severely: breaches of the peace, and direct snubs of seigniorial rights or officers. Tenants who failed to find food or other supplies for the steward or bursar, or who failed to contribute to the transportation of the halmote books (and probably the baggage) to the next court were fined 2s., or occasionally 3s. 4d. This was stiffer than the usual fine, but not overwhelmingly so; just enough to send a message. Breaches of the peace were treated in the same way. Truly egregious infractions drew even higher penalties; when John de Stokeslay of Norton executed a rescue from the coroner and the village reeve, he was assessed a fine of 26s. 8d. (PRO DURH 3/13, f 313v). On the Priory estate, the bursars continued when necessary to force men to find sureties to keep the peace; in the autumn of 1393, William de Kent and four others found sureties to keep the peace, under threat of a £20 fine (Halm. Rolls Autumn 1393). Continued refusal to make repairs entailed higher and higher fines. This was not powerlessness by any means; it was a shrewd strategy, choosing their battles and enforcing some rules strictly. An attempt to enforce all rules as before, to extract labor, to drive up rents, might have resulted in resistance such as Hatfield faced.

While the similarities between the two estates and their approaches to lord-peasant relations are strong, there were important differences. The greatest is the attitude towards the tenants, as shown in the halmote records. Conscious resistance had faded on the bishopric estate years before, but the bishopric officials had maintained some authority. This may be a result of Bishop Hatfield ceding ground to the peasants after 1359, having his stewards make a stand on only the most important issues, as de Westle did with subletting and deterioration of tenements. Hatfield's successors appear to have continued his policies, albeit with different priorities. The bishopric stewards appear somewhat distant, largely content to let the communities regulate themselves. Inter-peasant litigation far outweighed presentments for infringing the bishop's rights or lands. When those did occur, the steward was content to investigate and record the infractions, collecting the customary amercement rather than putting an end to the problems. Possibly, the amercements were more valuable than the resources taken, as the bishops had abandoned most direct cultivation. The low and regular level of the

amercements and the infrequency of fines makes the former seem almost a tax on peasant activities. The returns were low but allowed the estate to operate smoothly and avoid conflict. The bishops' prime concerns were general obedience and respect, and the land, with the steward ensuring proper rights to holdings and the maintenance of tenures.⁶ The steward collected minimal but symbolic profits and allowed the peasantry significant latitude in their affairs. Although the bishops had abandoned their coercive policy, they did not roll over, and the stewards and other officials continued to make demands. For example, in 1391, steward Sir Ralph Eure fined the townships of Ryhope, Bishop Wearmouth, Tunstall, and Burdon 20s. for failing to transport timber and thus leaving certain of the bishop's works incomplete and causing the carpenter(s) to leave the work sites (PRO DURH 3/13, f 27v). The heavy fine suggests both displeasure with the lack of work but possibly also a sense that this may have been an intentional slight, an act of resistance, and thus of a different nature than regular opportunism and petty theft. Such fines did not occur often, but they may have been more threatening because of that.

In contrast, the bursars remained active in regulating their communities. They reiterated injunctions for repairs, finding pinders, and so forth, as well as bylaws about stints, plowing, and general behavior, and the tone continued to be paternalistic. The hand of the bursars was felt constantly. This may be seen in the amercements. Although 6d. was a common amercement, as on the bishopric estate, the many injunctions issued to individuals and groups introduced an element of variability. Frequently the larger part of these fine was "forgiven" (*condonatur*) by the bursar, terrar, or even prior, reducing the amount to something akin to the bishop's nominal fines. The fine was the same, but it came at the price of visibly undermining the bursar's authority, particularly when it was the terrar or prior who authorized the reduction.

The attitude towards fines and involvement in the villages may have undermined authority in other ways. In the bishopric halmote books, repeat offenders are rare; although there were exceptions, most infractions or defaults were corrected relatively swiftly. Priory tenants, by contrast, often ignored the orders, which would be repeated again, with ever higher fines. In Billingham, orders to all the tenants to repair their tenures and clear watercourses and ditches occur regularly in the 1390s (Halm. Rolls 1386–1398 *passim*). In 1391, the penalty was raised to 40s. and still they did not comply; a fine of only 6s. 8d. was imposed in the following court (Halm. Rolls Summer–Autumn 1391). The same pattern is seen with John Luclyn, who in 1396 held a bondland, two tofts, and thirty acres of land (*Bursar's Rentals* 96–104).

In 1394, the bursar threatened him and other tenants of Billingham with a fine of 40d. if the tenures were not repaired. In the autumn of 1397, John was fined half a mark for not repairing his tenure, although the fine was reduced to 6d. He had still not made sufficient repairs by 1399 (Halm. Rolls 1394–1399 *passim*). This was not just in Billingham, but could be found all over the estate: failure to repair houses or maintain communal buildings, failure to appoint pinders, failure to keep animals in custody, and so on. Roads, ditches, and mills were in constant disrepair, and peasants milled their grain and baked their bread elsewhere, altogether not surprising as the local facilities were usually in disrepair and of little use. Such injunctions kept piling up, with no real sign of compliance. The village of Billingham may serve as a general representative of the other Priory villages, illustrating the bursars' exasperation at having to regulate basic affairs and their inability to coerce a recalcitrant peasantry. In the spring of 1386, the villagers were amerced for failing to work at Bellasis and for playing at football, and in addition to the injunctions added to those amercements, they were commanded to avoid cursing the collectors and suing each other in other courts. Finally, the bursar commanded them

to come at the summons of the reeve, constable[s], and collector[s] for the profit of the vill . . . And that they repair the common fold and forge . . . and that they not allow any animals to leave the village without a herdsman . . . and that none of them put their horses in the park called Willicrok after the feast of the Purification of the Blessed Mary [2 February] until Michaelmas [29 September] . . . and that they repair *les lonyng* and clean their gardens front and rear and repair their tenements sufficiently by All Saints' Day [1 November]. (Halm. Rolls Spring 1386).

The following tourn saw instructions issued regarding shearing at the sheep farm of Le Holme, the pasturing of various animals, and the election of four new constables (Halm. Rolls Summer 1386). Three of these new constables came from dominant families of the village: Hardgill, Ferryman, and Miryman. Perhaps the bursar thought that they could keep the other tenants in line. If so, he was somewhat correct; it appears as if many tenants complied in the following year. However, this compliance did not last long, as the case of John Luclyn above and others illustrates. The bursars were demanding, but even the threat of high fines could not compel tenants to comply. The injunctions would weaken, from the insistence on finding a pinder, to insisting that the peasants take turns in the office, to insisting that each keep the

animals in good custody. This can be seen with the treatment of football, where what had been a general ban in the late fourteenth century had by the end of the fifteenth century weakened to permit play on certain days and by certain people, and the peasants still ignored it (Halm. Rolls Spring 1492, Autumn 1502).

Was this really different from the bishopric? On the one hand, the fines actually collected on both estates were low, and the real effect achieved was also low. On the other hand, the approaches of the two administrations must have had an effect. The bishopric stewards made few demands, but in select instances they were able to clamp down and with success. Repeat offenses were not a problem; the same fines were not imposed *tourn* after *tourn*, year after year, and village-wide defaults were rarely reported. The threat of a heavy fine may have been real for being so rare, and thus caused greater compliance. The refusal of entire villages or large numbers of villagers to perform tasks seen on the Priory main estate was absent in the bishopric, perhaps with the exception of work at mills. The language of the courts reflects this further, through the absence of general injunctions. On the Priory estate, however, the bursars claimed a lot but extracted only a little. The high fines that were threatened evidently meant little; why should the peasants believe them, when any fine could be pardoned, and many were? There was little motivation to comply with the orders. The Priory *halmote* books evoke a situation of significant dilapidation and a failure to obey, while the situation on the bishopric seems to be of problems that are fixed and then recur again regarding someone else.

Another such contrast is found in the attitudes to *neifs*. On the bishopric estate, *neifs* all but disappeared from the records, and no distinctions were made in tenure. On the Priory estate, *neifty* all but disappeared too for practical purposes, but one would not know this if judging solely by the bursars' interest. Inquests to identify *neifs* continued, with the last held in Bewley in the spring of 1470; the language had changed little since the first such inquest: "[the men and women listed] are and were *neifs* of the lord Prior and all their ancestors from the time in which the memory of man does not run just as they heard from their progenitors" (Halm. Bks. II, f. 112v-113r). Why they continued to do so is a mystery, as they collected so few special dues from the *neifs* as to make such careful monitoring hardly worthwhile. As seen in Chapter 3, with a few exceptions, the bursars treated them little differently from other customary tenants; one widowed *neif* from Middlestone had paid an unusually high *merchet* of £5 (Halm. Rolls Summer 1379). Most female *neifs* paid at the same rates as free women. Out-right manumission was rare, and expensive. John de Denom paid £40 for his

manumission from the Prior and Convent. Two years later, John de Chilton, sergeant of Ketton, paid £20, the lower rate presumably due to his service for the Priory (Bur. acs. 1386/87, 1388/89). The high price of manumission reflects the continued concern for the Priory's rights; that few purchased their freedom indicates that the price was too high given how little being a neif meant. The many neifs who lived away from their home villages in de facto freedom complained little about paying for licenses to do so. Apparently contrary to Hilton's theory (1969, 24–25), all the infamous burdens chafed the few neifs little, as almost no evasion is mentioned in the Priory halmote records.⁷ Perhaps the most important constraint was the requirement that they hold their lands at will; in practice, however, most neifs held their lands on the same terms as the other tenants. The bursars claimed much, but showed little inclination to enforcement. For example, the bursar declared during the summer halmote tourn of 1420, and again in the following autumn and in the spring of 1421, that "all the goods of the neifs of the lord [Prior] are seised into the hands of the same lord" (Halm. Rolls 1420–1421, *passim*). There is no evidence that the Priory even attempted to carry out this order, or of the resultant outrage that such a seizure would have caused. Serfdom withered on both estates; the bishops apparently let it go, while the bursars still clung to their rights, occasionally enforcing them by demanding that a neif hold land at will or requiring juries to report the names of all the serfs.

The approach of each estate was thus different. The bursars (and presumably their superiors) alternated between conservative and demanding and innovative and lax; they could loom and announce high fines, but their enforcement was inconstant. The bishops and stewards were more distant, lighter in their demands but steady in punishments, on occasion stirring to act harshly. Perhaps Eure and the other stewards had lower expectations, but if so they were at least realistic; the bursars' restatement of Priory rights cannot help but have emphasized the difference between those rights and the actual situation.

It is possible that these differences might arise from reporting rather than reflecting actual differences between the two estates. The bishopric stewards certainly must have made proclamations in court. Still, if this was frequent, many went unrecorded, and what is the point of having an official set of court records if they do not concern such information? Likewise, it would go too far to conclude that the Priory was not serious about the proclamations. Take the neifs. The bursars did try to enforce the Priory's rights over them, so the claims entered in the halmote rolls were more than just a fond memory of previous authority. The peasants resisted these reminders

of serfdom. In the village of Shincliffe (a Priory possession, though not part of the bursar's endowment) the jurors declared that although his father had taken a bondland in the village, Richard Sharpe was free. The jurors went further than necessary to say that "that they did not know at present any neif of the lord Prior within the lordship [one word illegible] or pertaining to the said lord in any way that may be inquired" (Loc. IV: 125). That final addendum seems particularly pointed, a warning that the jurors would refuse future attempts to claim neifty.

Court records are reflections of seigniorial interests and concerns; they portray what the lord sees himself as, but they also reveal the ways in which the tenants view the lord. As such, what is or is not recorded is significant and provides an insight to the seigniorial and administrative mentality, and its effectiveness. The significance of administrative mentality should not be overstated; there was still much in common. However, those differences did affect lord-tenant relations, and the actions of the peasants were shaped by that mentality. After so many of the injunctions on the Priory estate threatening high fines ended in incomplete actions with a smaller fine assessed, how seriously did the peasants take those injunctions? There could be implications down the line; the failure to follow through on imposing a fine could evolve into failure to collect a rent. Furthermore, the basic nature of these commands begs the question of precedence: what came first, the noncompliance or the pedantic attempts at micromanagement? It almost seem as if the shriller the order, the less the peasants obeyed. Peasants simply ignored the commands until the penalties became too high; they then complied briefly, received a substantial reduction in their fine, and proceeded to ignore the orders once more. The bishopric tenants either were more compliant, or the stewards were less concerned over maintenance and obedience.

Perhaps the key here was the administration. Bursars served for one year, although the same man might hold office more than once. The constant turnover may have resulted in the uneven enforcement of injunctions and rules, even though the terrar helped oversee the estate. On the bishopric estate, stewards served for longer terms. Sir Ralph Eure was steward from 1392 to 1422, ensuring administrative continuity through the better part of two pontificates. Eure was a most competent administrator, well rewarded by both Richard II and Henry IV, and even once suggested to become the steward of Henry IV's household (Rawcliffe 1992a). His administration shows remarkable continuity with those of the stewards early in the 1360s, focusing strongly on certain issues while punishing most offenses with a small amercement. Eure certainly was not passive in maintaining the equilibrium between lord and tenants, and he was willing to push back if the peasants appeared to

be grasping for too much. The continuity that he provided for thirty years undoubtedly had an effect on the running of the estate.

By 1400, stability had been reached on both estates. The new equilibrium gave considerable power to the peasants for their economic development. The feudal reaction had ended long ago, but seigniorial power still remained strong, as seen in the continued collection of merchet and leyrwite and the ability of both lords to keep the peace. The stewards and bursars both made sacrifices, giving up authority and income for tenants and smoother relations with the peasants. Control and authority were limited on both estates, with the administrations unable to ensure full cooperation in services or complete respect of seigniorial rights and properties. Disorder and violence were uncommon on both estates, and breaches of the peace were treated harshly, perhaps more so on the Priory main estate. Certain infractions against the person or authority of the steward and bursar were punished with higher fines, seldom reduced, and most peasants appeared to show the proper deference and respect. Altogether, the similarities in power on the two estates are strong; but the appearance of that power was different. The stewards strove for little, and got it; the bursars tried for more, but often were unable to achieve their goals. The peasants' actions reflect those differences. The stewards appear to have been more effective in enforcing their will on the peasants. Decayed tenements were a problem, but with only several reported *per tourn*, rather than per vill on the Priory main estate. Aside from work on mills, ditches, watercourses, and roads were maintained. Lord-tenant relations on the bishopric remained quite similar to what they had been decades before; as for the bursars, even if the new equilibrium was not as they desired, events at the turn of the century indicated no further shifts. Whether this would remain true for the fifteenth century is a different question altogether.

VILLAGE COMMUNITIES AT THE END OF THE FOURTEENTH CENTURY

Since the sources used to reconstruct peasant communities are seigniorial records, a comparison of the two sets of communities requires a comparison of the contents of those records. There are broad similarities. Peasants appeared in each court to surrender or take up lands. Brewsters and brewers were "amerced" for "breaking" the Assize of Ale, and sometimes for failing to summon the ale-tasters. Women paid leyrwite and merchet. And tenants in both courts were amerced and fined for trespasses against the lord. However, all of this is seigniorial business. When it comes to interpersonal litigation

and business among peasants, the two courts were extremely different. This assumes similarities between the functioning of the courts and that those courts had relatively similar attitudes towards receiving and recording peasant business. Based on the preceding comparison, more interpersonal business might be expected in the Priory halmotes, given the bursars' interest in village affairs and the stewards' apparent preference for self-regulation. In fact, personal litigation in the Priory halmotes was declining swiftly as the fourteenth century drew to a close; in the bishopric halmotes, litigation was still common.⁸

The first impression is that the bishopric was rife with conflict, and that the peasant communities had calmed considerably after the violence and disorder declined in the 1380s. This is not the case, however. Although litigation was common in the bishopric courts, this is not an indicator solely of conflict. The continued thriving of the halmote courts and the array of business brought there in the fifteenth century is partly a reflection of seigniorial power and fairness, but it also demonstrates the willingness of the bishopric peasants to settle matters in court. There were prolonged disputes, as evidenced by tit-for-tat trespasses between tenants and their families. One example is when the constable(s) and reeve of Norton placed John Spic in the pillory illegally, and the steward amerced the man who had given the order (PRO DURH 3/13, f 171r). Earlier, William Spurnhare, when he was constable of Norton, had placed the same John Spic under a penalty without judgment (PRO DURH 3/13, f 129r). Perhaps there was bad blood, or Spic may have been a notorious and generally disliked man with powerful friends. For the most part, however, incidents like this were rare. Affrays and rescues occurred infrequently (though these were not so rare as to bring the records into question); disputes were resolved by litigation. Justice was swift, and few cases or disputes lingered on. Paradoxically, the regularity and number of these disputes also attests to the health of the village community. There are many examples of debts in the halmote courts; while these pleas indicate controversy between peasants, they are also examples of mutual assistance, the lending of a few pence here or some grain there. The same is true with the pleas of detainee; clearly these are agreements that went wrong, but the fact that there were contracts in the first place is suggestive of an active, collaborating community. That there are many such pleas of debt and detainee underscores this; how many more agreements were concluded successfully? These disputes also demonstrate the continued use of pledging on the bishopric estate; this institution declined on the Priory estate except for taking of land, as it did in other villages and estates to be replaced by injunctions with personal penalties (*pena*).⁹ On the bishopric estate, men stood pledge for

each other when taking land, but they also continued to stand as pledge for appearances in court. The effectiveness of pledging is another matter; many pledges failed to ensure that their man or woman appeared in court. Nevertheless, the practice continued, with the expectation that it would help ensure that persons appear in court or fulfill their obligations. Thus, although there was conflict, much of that conflict derived from cooperation gone awry, and the court relied on communal cooperation to ward off future problems. Furthermore, the bishopric halmotes demonstrate cooperation in other respects. Villages took land from the bishopric to hold together; sometimes the reeve and jurors acted as representatives in these dealings, and other times the entry refers only to the *tota villata*. Much more land was leased communally than in the Priory villages, as for example when a certain Robert leased a pasture in Hartburn “for himself and the whole village” for two years at 14s. per annum (PRO DURH 3/13, f 15v). The picture is one of cooperation, though not without conflict.

For the Priory villages, the halmotes provide a very different picture. Interpersonal litigation declined rapidly; in the fifteenth century, lawsuits would be uncommon, far outnumbered by injunctions, ordinances, and seigniorial dues and punishments. What is left is discord. When men or women brewed, they refused to put up signs showing they had ale for sale. One order in 1396 required that all brewers and brewsters sell ale outside their home if they sold it inside, so that anyone could buy it (Halm. Rolls Summer 1396). Orders such as this, or infractions presented, occur yearly for village after village, but generally are not to be found on the bishopric. Order continued to be a problem. Many peasants saw that women and servants were troublemakers and responsible for many of the quarrels between men. Women were involved as plaintiffs and defendants in suits and complaints brought in the halmotes, often with no mention of their husbands or guardians. However, women rarely were named as being participants in assaults, as attackers or victims; to the jurors and bursars, it was the wagging of their tongues that caused trouble. Women on both estates were presented as common scolds (*litigatrix*, *garrulatrix*). Although the bursars no longer issued estate-wide injunctions about women and servants, they did occasionally give orders to individuals or villages to chastise and control wives and servants (Halm. Rolls 1384–1400 *passim*). In some instances, the bursars targeted specific tenants, as when John of Newburn demanded that Alice Marshal be removed from Monk Hesledon within a fortnight because of the trouble she was causing, with anyone found sheltering her afterwards facing a 40s. fine. This was a serious move, exiling a woman from the village; for the bursar, there was no other choice. Her husband, John Aubuson, could not control her, even if he

wished to, as he had been indicted before the sheriff as a thief (Halm. Rolls Summer 1390). Scolds could be found on the bishopric estate as well, but judging from the records, they do not seem to have been seen as being as disruptive.

The violence that was so characteristic of the 1370s and early 1380s largely had subsided, but disorder in the villages still was an issue. Presentments for affrays were regular occurrences in the bishopric halmotes, and these earned a higher fine, often 2s. or higher. There were still problems on the Priory estate. Disorder continued and some conflicts did flicker to violent life. A number of these, likely the worst, involved multiple villages. In the summer of 1391, the Justices of the Peace summoned certain tenants from Kirk Merrington and the bishopric village of Heighington who had been feuding with one another and ordered them to find pledges to keep the peace between them, under penalty of £20 (Halm. Rolls Summer 1391). Later that year, the bursar forbade the tenants of Westerton to bring strangers into the lordship “for any wrongdoing” (Halm. Rolls, Autumn). The pledge of peace of the del Raw family and Thomas Burgos towards William Ingelond and Rob Elder in 1387 and 1388 could indicate an inter-village quarrel, as the del Raws were longtime residents of Billingham (as were their pledges), while Burgos and the other two were probably not tenants in the vill (Halm. Rolls Autumn 1387, Summer 1388).¹⁰ The bursars, and probably the stewards as well, evidently viewed outsiders with fear and suspicion, as they had the potential to upset the delicate peace in the villages, but they also worried over the tenants as well. The new equilibrium still was fragile.

The Priory halmote rolls are full of the bursars issuing the usual injunctions—sell ale at the set price to any who want it, find a pinder, come at the reeve’s summons, and so forth—but with disturbing frequency and a paternalistic tone. This phenomenon has been observed elsewhere. E. DeWindt saw the repetition of bylaws combined with tenements falling into disrepair as evidence of agrarian change, with more tenants turning to stock raising, particularly after 1400 (1971, 137–138). This appears to be so on the Priory estate as well, although the fact that so many such orders seem to us “common sense” indicate that there were serious disagreements. For example, in the spring of 1387, bursar Thomas of Corbridge ordered the tenants of Wolviston to come at the summons of the village officers for the common business, but also that they should not harvest the grain before the appointed time, or in any way damage it (Halm. Rolls Spring 1387). Communal agriculture, even at its most basic, was under considerable stress. The most recurrent and significant problem was that villages frequently lacked common herdsmen (or argued over their salaries) and refused to remedy this. Well

into the fifteenth century, orders to maintain the fold and find a common pinder, or to use and pay the herdsmen, were regular entries in the halmote rolls. Different attitudes to agriculture were present and being played out through trampling crops in the field and through bylaws in the halmotes. The changes in agriculture caused considerable conflict.

The bishopric villages had their own agricultural problems, but not to the same extent. Hedgebreaking (presumably by animals) was common, indicating agricultural changes in the bishopric, and trampling of crops did happen. In a few villis, the problems were serious. Hedgebreaking was common in Sedgefield, and Norton saw frequent problems with animals trespassing in the fields. However, the bishopric villagers had no difficulty in finding and keeping pinders or herdsmen. It seems as if the bishopric peasants did not need the halmotes to enforce bylaws. This is visible in the general execution of communal duties, collectively known as vicinage (*vicinagium*). Based on references in the halmote books, vicinage was separate from the bylaws and injunctions issued in court. It entailed paying or acting as a common herdsman and contributing to the upkeep of common buildings, and encompassed all communal obligations, even the paying of communal officers, in short, many of the duties that were problematic on the Priory estate. The steward did amerce tenants for failure to perform vicinage, but this was sporadic and he saw no need for mass fines or broad warnings. The constant injunctions about stints, pastures, plowing, and so forth that were so plentiful in contemporary Priory records are absent from the bishopric halmote books, and there is little concern about peasants meeting to enact their own bylaws.¹¹

It was still possible to take a more independent tack, but the bishopric peasants apparently did so within a more traditional structure. A greater role for social pressure and fewer reasons for the tenants to be at each other's throats encouraged stability, solidarity, and consensus. The holding of community meetings independently of the halmote confirms this. In 1394, the bishopric steward amerced the reeve and tenants of Bishop Wearmouth for creating bylaws outside the halmotes and using the penalties collected for their own purposes; he also amerced Alexander Smyth and the tenants of Houghton for similar actions (PRO DURH 3/13, ff 135v-136v). In 1396, Eure amerced the tenants of Chester-le-Street a half mark "because they levied money amongst themselves for broken bylaws, for their own use" (PRO DURH 3/13, f 135v). One bishopric clerk described a meetings such as this at Ryton in 1397 as a court (*curia*): "they held a court amongst themselves and made regulations amongst themselves and levied [money] for their own benefit" (PRO DURH 3/13, f 240v). The fines for these assemblages were strikingly small (6d. in the latter case); Eure's light treatment of these egre-

gious violations of the bishop's prerogatives is surprising, but it simply may be a combination of limited power and a willingness to let the peasants regulate their own communities. Apparently, and unlike the Priory villages, the bishopric communities could keep their own affairs in order, and chose to do so. The Priory villages were supposed to meet to discuss bylaws, set boundaries, and so forth, but the constant reminders to attend those meetings indicate that dissension was common.

The continuing problem with order, and the concern for future violence, indicates that the changes in local society were still being felt sharply on both estates. One of the clearest indications of disorder lies in the election of reeves and jurors. Until the 1390s, elections for reeves were infrequent, and for jurors almost unheard of, on both estates. That changed in the 1390s due to the crisis described below, with both estates seeing an unusual turnover in reeves in the early to mid 1390s. On the bishopric estate, once the crisis passed the tenure and election of officers reverted to what it had been in 1390 (or 1360 or 1350). On the Priory estate, the number of elections continued to be higher than before. Many villages elected new officers and jurors with frequency, sometimes yearly; the stability of tenure seen earlier, and still found in the bishopric, was weakened considerably. The end of that stability was a symptom of underlying conflict, but also exacerbated it further, as families contested for control of the village offices in ways they had not done before.

A comparison of the halmote evidence tells part of the story, but the silences in one halmote court when compared to the other are just as telling as the business recorded. The differences between the two sets of communities were more numerous. Most of these differences may be reduced to differing expressions of "community." The bishopric community remained relatively unchanged from the 1350s, and despite engrossment and contraction the tenurial distribution remained relatively stable. There were village elites who held most of the offices and at times dominated the other villagers, but they remained within the continuum of the village social structure. They were richer and held more lands, but there is little evidence of any sharp separation of haves and have-nots. There was no apparent tenurial imbalance; according to the incomplete survey undertaken by Bishop Langley, the distribution had changed very little from the time of *Hatfield's Survey*, forty years previously (Britnell 1988, 219). Of course, this may be an administrative fiction of the bishopric records, which were unconcerned with who sublet from whom and recorded only what was presented in court; if there were problems, they were contained behind the scenes. One visible change was that the local gentry, including Eure himself, were beginning to take customary and exchequer

land, on the same terms as the peasants (PRO DURH 3/13–14 *passim*). This involvement by outsiders might have been the beginning of a loss of peasant control over the land, although further research is needed to answer this question.

For the Priory villages, the story is one of agricultural and possibly social conflict, and of silence. Agricultural change was continuing, and it generated conflicts, as seen in the repeated bylaws and ordinances and in the amercements for breaking those bylaws and ordinances. It may be that only certain tenants, possibly the poorer, were clinging to old ways while the wealthier and more politically powerful tenants sought greater individual freedom; or the split could go down the middle, with wealthy tenants both seeking to uphold tradition and to change it. The problems with the selling of ale hint at other conflicts within the communities. Then we know almost nothing. For example, from 1398 to 1400, there was only one interpersonal dispute recorded for Billingham, and while pleas generally were more frequent, this represents the problem with understanding the Priory villages. There is evidence for conflict over agriculture, but hardly anything about debts or trespasses; the only indication of cooperation is silence, but the near complete absence of conflict renders that silence suspect. Can they have gone three years with only one dispute coming before the court?

Disputes continued, otherwise the bursar would not have to remind the tenants to pay the herdsman or to sell ale to all comers. There are a number of possible explanations. It is possible that most tenants had simply abandoned the Priory's halmote court for dispute resolution and went elsewhere; however, the bursars and stewards both guarded their judicial monopoly jealously, and while some cases did go before other courts, such a large, rapid exodus of litigation surely would have been noticed. The bursars did not lose all interest in these pleas, for the reason just given, and this is supported by the continued appearance of a small number of suits. The answer likely lies more with the peasantry. It is quite possible that conflict was actually declining, and that the disputes seen were limited primarily to agriculture; but surely debts and trespasses would result as well, as can be seen on the bishopric estate. Another possibility is that the peasants were maintaining order amongst themselves, possibly through some form of patron-client system, in which a "client" would take his or her dispute to one of the wealthier or more politically powerful tenants, who in turn would use his own influence or deal with the defendant's own "patron." However, such a system cannot have developed so quickly, in less than a decade, and it would fit better a century later when many

Priory villages were run by syndicates.¹² In any event, the decline of court business does continue into the fifteenth century, but this new equilibrium of lessened or hidden conflict was mostly in place by the turn of the century.

In sum, then, there was broad continuity on the bishopric but change on the Priory estate. Although comprised of individuals who did not always agree, the bishopric villages were communities that acted corporately more than their Priory counterparts and that evinced fewer fractures and divisions. A strong communal spirit in the bishopric villages continued. The bishopric communities were not utopias by any means. Ricknall had been depopulated due to the contumeliousness of one individual (Britnell 1990, 40). This was an extreme case, but in every village there were conflicts, direct or indirect, over agriculture. Tenants reviled the jurors, calling them liars. Men and women rescued animals and goods from the reeves and pinders; some of the rescues may have been justified, as the officers sometimes tended to be overzealous in their duties. These conflicts, and the presentments for leyrwite and fighting, do indicate a concern for order, and possibly an attempt by certain tenants to impose their own views; even if this was the case, however, the tenure of the officers, and the general compliance of the tenants, indicates that such views were widespread. Although not living up to an ideal solidarity, on the bishopric most village communities were a community, and a functional one. The peasants of the Priory had transformed their rural society significantly during the second half of the fourteenth century, with a period of conflict ushering in a different concept of community, predicated upon individual agriculture and possibly upon a new set of interpersonal power relationships in the villages. As on the bishopric, stability coexisted with conflict, but it was a different stability and a different community.

ANOTHER CRISIS

Late in 1392, the upper tier of the Durham peasantry was stricken, resulting in a serious convulsion in the society and administration of both estates. Exactly what caused this mortality is indeterminable; there is no indication in the halmote records as to what precipitated the crisis. T. Lomas concluded that there was a reoccurrence of the plague in the North in 1391 (1975, 261); while this is a year earlier, it may have taken that long for the consequences to appear in the records. If it was the plague, the lack of specific reference in the halmote records show how attitudes

towards death and disease had changed. No matter the specific cause, the subsequent problems in the village seem to have been due to more than just an increased mortality.

In 1393, on the Priory estate, nine villages (Over and Nether Heworth, Monkton, Southwick, Monk Wearmouth, Fulwell, East Rainton, Pittington, Billingham, and Ferryhill) all held elections for reeves, constables, and collectors. In the bishopric, thirteen vills (Whickham, Bishop Wearmouth, Tunstall, Cassop, Lanchester, Norton, Stanhope, Wolsingham, Ryhope, Burdon, Whessoe, and Boldon) elected reeves. Although constables and collectors were elected yearly, villages normally held elections for reeve only rarely, so the sudden spate of elections stands out strongly as an aberration.¹³ Additionally, the juries of many Priory and most bishopric villages included new names in 1392 and 1393. An examination of the records for the previous and following years indicates that this instability was due at least partially to sickness and death. Using the Priory village of Billingham as an example, in the autumn of 1393 the lands of Thomas Miryman, John del Tonne, and Richard Somour were in the prior's hand, and in the following spring, Adam Walker's lands were also declared as being *in manu*. All were dead, and around the same time; John Gentilman (whose lands were declared as in hand in the spring of 1394) and Thomas Miryman last served as jurors in the autumn of 1391, and John del Tonne in the spring of 1392. These men had served as reeves and jurors, they held bondlands as well as significant amounts of other land, and frequently took part in farming the demesne or village structures and lands. However, many prominent individuals survived, on both estates. Prominent men such as Robert Hardgill of Billingham continued to serve in their normal capacities, but generally did not pick up the lands left vacant by their neighbors, although some did acquire more influence and a greater share of the desirable village positions. New families emerged to take the place of those who died. As with their predecessors, these new men would serve for long terms in village office side by side with the survivors (Halm. Rolls 1391–1395 *passim*).

However, this convulsion among the peasant elite was not a simple matter. The year 1392 saw the most elections by far, but was not the only year marked by an above average number of elections.¹⁴ In the bishopric, eleven vills had further elections in either 1393 or 1394. Although the latter was the last year with a significant number of elections, some vills continued to hold new elections until 1396 (Larson 2000, 45–47). The Priory was more eventful. The records for the spring tourn of 1394 are lost, but in the autumn of 1394 thirteen villages elected reeves along with collectors

and constables (and occasionally ale-tasters).¹⁵ The autumn of 1395 saw elections in seven villages; that of 1396, twenty;¹⁶ and 1397, sixteen.¹⁷ From this point on, elections for the office of reeve occurred annually in many Priory vill. The bishopric stabilized earlier, soon returning to the norms operating before crisis, when elections for reeve were rare.

Many of these elections in the 1390s replaced dead officers, but in some cases, the election served only to confirm the existing officeholder. In the bishopric village of Norton, the villagers elected the same man as reeve three years in a row (Larson 2000, 47). It was not uncommon during the crisis for a man to be reelected one or two years after a previous election, with a different man serving in between those terms. Thus, although some form of disease had set this change in motion, there were other factors at work that prolonged it. An increasing use of elections to choose the jury for a village on the Priory estate confirms this. A Priory mandate for such elections was not unheard of, but these normally were confined to a single vill with a problematic jury. However, these elections quickly became common. In 1395, the villages of Wolviston and Shields elected new jurymen, and Shields again in 1396; Aycliffe elected jurors in 1394, 1395, and 1397 (Halm. Rolls 1394–1397 *passim*). In the past, dead jurors had been replaced silently, so these elections indicate a different current running through the villages. In such an election, the entire jury was replaced, with at most one or two old jurors remaining on the jury. The replacement of the jury, as well as the wide-scale replacement of reeves and other officers, leads to the conclusion that either the bursars and priors or the peasants were unhappy with the officers' performance. The Priory peasantry was recalcitrant when appointing village pinders and herdsmen even in the best of times, and in some cases they balked at electing collectors or reeves as well. The tenants of Billingham were ordered to elect a reeve, constables, and collectors, under threat of a £5 fine in 1396 (Halm. Rolls Autumn 1396). The administration was concerned; in Billingham and Ferryhill three years earlier, inquests were held to determine the suitability of the men elected to office (Halm. Rolls Autumn 1393). Office holding clearly had become problematic on the Priory main estate.

The effects of this crisis on the rest of the peasantry are difficult to gauge. A thorough village reconstruction might shed some light on what happened, but broad conclusions can be drawn without such an extensive effort. The number of known brewers (and even the identity of brewers) in each village remained stable, despite the dominance of the trade by the elite families. There are signs of upheaval, but not necessarily of population change. The Priory attempted two neifty inquests in 1395, at Fulwell and

Billinghamshire, but left the latter incomplete (Halm. Rolls Summer-Autumn 1395). There are no surviving inquests for the other that year, so it is possible that the bursar abandoned the attempt for reasons connected to the crisis.

The crisis subsided in 1397. Even if the population level did not drop significantly, both estates went through years of disruption. The loss of some records complicates the analysis, but this in itself may provide a separate indication of upheaval. The large tenures of the recently deceased joined the ever present cottages and small parcels that had long been vacant "in the lord's hand," although not for long. Keeping tenements repaired was a continuing problem but seemed somewhat worse. There were no apparent difficulties with seasonal customary labor on the demesnes, but tenants resented the requirement to transport goods, or provide food and lodging for the halmote court entourage, demands that were degrading or emphasized the lord-tenant relationship. Communities on both estates clearly were unsettled, but no significant changes occurred, just a continuation or intensification of existing patterns.

The major changes in rural society in Durham already had occurred and become settled by 1400. The early decades of the fifteenth century provide something of a denouement, with the business recorded in the halmote books and rolls continuing the trends of the later 1390s. The stability of the situation is reflected in the attempts on each estate to compile a new survey. That on the bishopric, commissioned by Bishop Thomas Langley in the 1410s, was not completed (Britnell 1988), and bishopric records would continue to refer back to *Hatfield's Survey* through the rest of the century. The bursar would create a new survey of the lands in his care in the late fourteenth or early fifteenth centuries (Bur. Bk. E, fol. 1–22) and then move on to reorganize non-manorial records (Dobson 1973, 90–91).

It is still too early to talk of "early modern" Durham at this point. The economic turmoil of the fifteenth-century slump (Hatcher 1996), already beginning to be felt in Durham, would have a major effect on both estates. Still, it is quite clear that Durham in 1400 was different than it had been in 1348, even on the bishopric estate; although the bishop retained much of the authority he had exercised in 1350, much of the latent power that Bishop Hatfield had tried to revive during his feudal reaction instead had atrophied. On the bishopric, the key years for lord-peasant relations were the late 1350s and early 1360s, as peasants and stewards hammered out what would be a lasting relationship, while for the Priory, the changes were more subtle and took decades. For many of

the communities on both estates, the late 1360s and the 1370s formed a turning point. These two decades saw the splintering of the Priory villages while the bishopric villages remained more cohesive, so that in the 1390s each estate had a different mode concept of community. Two crises bookended this period, but neither crisis can be connected directly to the particular results. The Black Death threw rural Durham into confusion and provided both lords and peasants with an opportunity to change their lives and society, but most of the important changes did not occur until more than a decade after the pestilence, and at a time when life seemed to be improving. The crisis of the mid-1390s saw additional confusion that, like the Black Death, could just as easily have ushered in a new era of transformation; instead, the new status quo persisted. All of the important changes occurred in a time of relative economic and demographic stability, exactly when we would least suspect important changes to occur. As the outbreaks of plague and the subsequent economic vicissitudes affected both estates equally, they clearly were catalysts but not outright determinants. They did allow change to occur, and did provide increased room for maneuvering, but for social and political interactions in the villages and in the estates were the determining factor.

Conclusion

Peasants and Lords in a Changing World

The half-century after the Black Death saw considerable upheaval in Durham, from Bishop Hatfield's feudal reaction, to the struggle over the Priory village communities, and beyond. The pattern of events on both estates is clear, but some points require further elaboration or clarification. One of these is the choice of conflict or negotiation and the factors that influenced those choices, along with any conclusions about lord-peasant relations that may be drawn from this. A related issue is the uniqueness of the period, that is, the extent to which the changes documented here could or could not have occurred in any other given span. Although marked by natural disasters, which created demographic and economic difficulties, the reactions to these crises were distinctly manmade. The Black Death set the stage; but lords and peasants made their own distinct choices. The events in Durham were tumultuous and illuminate various trends in the rest of England, and a full understanding of the causes and choices is necessary to make best use of the pattern.

The place to start, then, is with one of the more recognized existing patterns. In terms of lord-peasant relations, the Rising of 1381 has dominated the analysis of the period.¹ There is broad agreement that there was considerable unrest throughout much of England both before and after the rebellion, from resistance and hard bargaining to outright riot and rebellion. In this timeframe, again before and after the revolt, serfdom withered away, prices rose, and the lords of England generally abandoned the field to the peasants. The relation to this process of rebellion, particularly the great rebellion of 1381, is more problematic. Hilton spent much of his career examining lord-peasant relations all over England, economically, socially, and culturally. There is no debate that serfdom withered even if it did not die, and that seigniorial power declined even if it would rise again later (232); earlier in *The Decline of Serfdom in Medieval England*, he referred to it as

the “equivocal end of English peasant serfdom” (55). Although economic factors played a role, Hilton looked to the social and political to explain these changes. In *Bond Men Made Free*, after discussing the different views on the significance of the revolt, Hilton concluded that

There are in fact good grounds for supposing that the post-Black Death feudal reaction was not only partially responsible for initiating the rising, but that it faded away as a result of it. In spite of the strengthening of labour legislation . . . wages went up; and in spite of the threats to intensify the conditions of villeinage these were, in fact, considerably relaxed.” (231–232).

The rising was about more than lord-peasant relations (Hilton 1973; Dyer 1984), but its effects on those relations was, to Hilton, significant. Hilton’s arguments throughout the book build up to this, and the case is convincing. “One can say with some certainty that the English government and the English landlords acted with some notable circumspection in the application of repressive measures” after the revolt, and “[t]he upper class was clearly very apprehensive about popular sedition” (1973, 231). Thus, it was not the resistance, or the lesser revolts, but quite possibly the 1381 rebellion that led to a change in lord-peasant relationships. Recently, Dyer has argued against too much of a reliance on a set chronology for late medieval English society; “[t]urning points are useful for organizing our ideas,” but even here the focus on specific events or benchmarks can deceive (2005, 244). Still, “the revolt of 1381 indicated a landmark in peasant self-confidence and independence” (244), and it “encouraged tenants and put lords on the defensive for the next half-century” (96).

Dyer and Hilton certainly do not pin everything on the rebellion, but they do emphasize its significance in transforming relations in the countryside. There are two potential problems with giving too much weight to the 1381 Rising in explaining general change in lord-peasant relations. The first objection is that there were villages and manors where the changes were settled before the revolt, and villages and manors where friction and conflict continued after the revolt. Second, the revolt failed. True, there was no bloody repression as seen after the 1358 Jacquerie in France, but Wat Tyler was killed, the rebels dispersed, and judicial commissions sent into the countryside to punish the rebels. This was a clear defeat, and there is no reason not to expect that some of those peasants who heard of it were cowed rather than empowered, and thus the revolt retarded the withering of serfdom. Alternatively, the failure of revolt may have encouraged resistance

and negotiation rather than outright conflict, but then, this had been going on since before the rebellion. The rebellion did contribute to aristocratic worries, but these would have been local worries and thus linked to the local situation, returning us to the first objection.

Although Durham was unaffected by the revolt directly, the pattern of events there does shed some light on these questions. On both estates, the lord-peasant dynamic had swung in favor of the peasants by the 1360s. Hatfield's feudal reaction collapsed in the face of peasant resistance, and there is no indication of any feudal reaction on the Priory main estate. If anything, the bishops and bursars may have had slightly more authority at the end of the fourteenth century than they did in the preceding decades, and they certainly continued collecting "servile" dues such as merchet and leyrwite. The unrest on the two estates in 1380 and 1381 was intra-peasant, not anti-seigniorial. If Durham is any indication, the influence of the 1381 Rising is negligible, or perhaps better yet, unmeasurable, and this may be true as well in those other regions that did not participate in the rising and its repression. Even though 1381 may have to be removed as a general cause of change, the pattern that Hilton and Dyer identified is applicable in Durham: the peasant unrest caused by Hatfield's policies was Durham's Peasant Rebellion, and in this instance, the peasants won. Hatfield's actions in 1357 and 1359 were taken far short of riot or insurrection, and he chose to punish his own ministers rather than the peasants. After 1359, the tenor of bishopric policies changed, and the succeeding decades saw the establishment of a new equilibrium more in the peasants' favor, and this persisted even though the bishops had palatine powers, and even though the strength of the peasants' position would decline. Moreover, this happened on the Priory main estate as well, in practice if not in theory: tenure for life shifted to leasehold, peasant abuses of Priory resources were condoned and even licensed, and serfdom, even though preserved through inquests, ceased to have significant meaning, and all this despite no Priory feudal reaction. Then again, the unrest on the bishopric estate had spread throughout the entire estate; there is no way that neither the Priory tenants nor the obedientiaries could not have known about what happened. For both estates, the answer must be, at least in part, fear of provoking (further) unrest. Thus, unrest influenced seigniorial policies, but it was unrest at the local level that did so. By the time of the great revolt, the new lord-tenant equilibrium had largely been set in Durham.

Durham could be exceptional, but then so could Devon, or Gloucestershire, or Cumberland. Although not focusing specifically on this period, Dyer noted in his study of Worcester bishopric that "a long process of readjustment, with pressure being applied by both sides, was needed before

the peasantry gained concessions on rents and tenures" (1980, 375–376). More work needs to be done to determine whether changes in relations were indeed a result of the Rising, and not local factors. However, given the varying chronology of these events throughout England, the local explanation has much going for it; this would explain shifts before 1381 as well as the continued friction after the rising. Moreover, the shift to local events and concerns moves the agent of change from a (possibly distant) revolt to the actual interaction of lords and peasants on the spot, and how they interpreted their specific situation and acted on those interpretations. This is not to deny any importance to large events such as the 1381 revolt, but to emphasize that local mentalities and structures mediated the exact influence of the 1381 revolt and its aftermath. This is not that different from the Brenner Debate (Aston and Philpin), except that here the stage is England rather than Europe and the great event is the 1381 Rising rather than the general changes after the Black Death.

The focus should be at the local level. In Durham, the peasants on both estates demonstrated their power, and their actions were a major factor in determining the outcome of these decades. Individually, a peasant might have been poor and powerless in the face of seigniorial authority. Nevertheless, as a group, the peasants had power. The bishopric peasants had vehemently disagreed with Bishop Hatfield's reactions to the plague and challenged him; and he, one of the greatest lords of England, had backed down. They did not always have to display that power, however. The bursars, also lords of a large estate with considerable powers, faced an entirely different display of peasant power, and could do little to unify or heal the divisions among their peasants. Although it is easy to focus on the resistance and initiative of the peasants, the lords did more than simply react and the end of the feudal reaction or the changed economic conditions did not nullify their authority. Although the emphasis is on increasing peasant power and opportunities, they did not simply run roughshod over the lords; it was a dialectic process, and the reactions of the lords need as much attention as the tactics of the peasantry. In Durham, Bishop Hatfield began his feudal reaction in 1349 before the year was out, and he and his stewards continued to modify and adjust bishopric policies, and not just in relation to peasant reactions. The bursars of the Priory estate altered their approaches as well, relying on old ideas but modifying or dropping them based on the situation. Neither administration simply gave in to peasant demands, even though the conditions limited their responses. The agency of all groups was significant, and this agency was conditioned by the conscious or unconscious assessment of the situation and others' agency.

Both administrations had maintained their rights, and in some cases could enforce them. They collected leyrwite and merchet, two dues normally considered "servile," and they recorded and in some cases used customary works on the demesne. And, for the Priory at least, tracking neifs remained important. Although both estates had bowed to pressure, they had maintained some of their trappings and powers as seigneurs. Economically, each was making the best of a poor situation, focusing on income from customary lands and profiting where possible off tenant initiative. Although neither administration had serious conflicts with its tenants between 1358 and 1400, neither administration can be said to be seigniorially powerful, either. Bishop Hatfield attempted a variety of approaches towards improving his estate, employing confrontation, collaboration, compromise, and concession, most of this fairly open. In the end, Hatfield, and his successors, selected a policy that imposed only nominal fines on many offenses while retaining the power to crack down on specifically challenging problems, from subletting to fighting. This approach avoided uniting the peasantry in opposition, while still retaining some seigniorial power to act. By contrast, the bursars never changed their approach, although the pardoning of amercements and fines provided some flexibility. However, this approach does not seem to have worked, as the Priory's tenants continually ignored the injunctions and amercements. In the final analysis, the bishopric stewards had more authority in that their orders and punishments generally were not ignored.

The approaches taken by the lord certainly contributed to the history and outcome of each estate; but placing the emphasis on seigniorial attitudes and approaches by pitting the distance of the bishopric stewards against the bursars' constant interference disingenuously erases the importance of the peasantry's actions. The internal dynamics of the village communities likely had much to do with the course of events, and seigniorial policies either contended with or exploited those dynamics as much or more so than they influenced them. The changes in economy and society placed the traditional social and agricultural system under immense strain. Yet the bishopric communities managed to contain that strain, whereas the result on the Priory estate was conflict. On the Priory estate we have what appears to be a "crisis of order" with a struggle over agriculture, rather than for moral and religious dominance, which struggle seems to have faded by 1400. Many of the tenants dwindled in consequence, becoming little more than subtenants of the syndicate members and all but disappearing from the court records; the jurors and other tenants with large holdings dominated the courts and the communities. The villages of the bishopric estate remained steady in their course. Although agrarian changes were occurring there as well, the wealthier

peasant families did not come to dominate their fellows to as great an extent; the social and tenurial dynamics circa 1400 remained remarkably similar to those of 1350. They did increase their power and influence, but remained more of a part of the wider peasant community rather than rising to an almost intermediary position between lord and peasantry.

The Durham peasant communities continued to exist, but they had changed. The Priory communities had undergone significant changes, with older ideas of community breaking down and an elite emerging as more powerful and imposing their own ideas of community and cooperation. The communities on the bishopric were more independent of the steward and the estate officers, but appear to have chosen to retain the older ideas of village cohesion through vicinage and communal participation, containing and accommodating those peasants with an independent streak or forcing them to leave for other estates as with William Standupryght. What of the individual? Raftis has argued persuasively for peasant initiative in agriculture (1996), E. DeWindt (1971) and Olson have demonstrated the breakdown of communal institutions such as pledging, and famously, Macfarlane has used evidence of individual economic activity to argue that there were no peasants in England after 1300. The move to leasing on the Priory estate and the conflicts over agricultural regulation there seem to indicate a reordering of communities in Durham. However, the history of the bishopric villages contradicts that notion. It is possible to label the communities on one estate as static and conservative, and the other as dynamic, but this would be misleading. Some members of the Priory villages clung to older, traditional agricultural practices, while some bishopric tenants sought to be more independent in their actions. Conservatism and change existed side by side, sometimes uneasily, sometimes not, and which one occurred must be due at least in part to ideas of tradition and community.

CHOICES: CONFLICT OR COMPROMISE IN THE LATE MEDIEVAL COUNTRYSIDE

Understanding what happened in Durham requires a multifaceted approach. Focusing solely on the peasantry, or on the lords, is insufficient; accepting the events on one estate as normal and the other as abnormal is impossible. Lords and peasants, conflict and cooperation, opportunism and obedience; what made the difference? The explanation to the events in Durham lies in interpersonal dynamics: the interchange and influence of a variety of both individuals and groups acting according to the options open to them. Conflict and compromise, each with a variety of options, were methods that both

lords and peasants could and did employ. Sometimes the relationship was confrontational, sometimes there were strong mutual interests; most of the time, friction and acceptance were the rule. The key was when each option was used, and the outcome of its employment. Conflict was common; but was it really a choice, or was it far more often an unexpected outcome? Bishop Hatfield likely did not envision the scale of resistance to his program in the 1350s. His actions demonstrate a strong preference to avoid confrontation of the sort seen at Halesowen. The bursars eschewed confrontation as well, and their willingness to lower fines may result partly from that preference. Compromise, usually through hard-nosed negotiating, was preferred on both estates; the reduction of entry fines, the introduction of leasing, pennyfarm, albanaria, and more show a distinct willingness to haggle with the peasantry. The demands could be high, and the stewards and bursars did refuse to compromise when they thought the terms were not fair. They desired smooth relations with the peasantry, as peasant cooperation was necessary for the estate to function. While bursars and bishops avoided confrontation, they constantly prodded and pushed, seeing just how much they could get. Compromise and negotiation did not represent defeat; rather, that was what made the system work. Perhaps fortunately for them, the peasants were unwilling to demand too much too quickly.

For the peasants, conflict was a distinct choice, and a powerful tool to employ. Still, they avoided confrontation when possible, preferring to employ small guerilla actions and noncompliance. Only when these little acts of resistance failed to budge the lord did the peasants move to more open tactics, and even then these involved small numbers acting on behalf of their neighbors. Flight was another option that might fall under conflict, as it was a rejection of seigniorial authority; but this was not a common choice either. Conflict and flight, however, were choices that peasants took only under pressure. Once seigniorial pressure eased, peasants looked to other forms of interaction, and when such pressure was seldom or evenly applied, peasants rarely chose confrontation. Just as with their lords, the peasants preferred peaceful coexistence, with disputes—or differences of perception or opinion—settled through negotiation. This may be due to the peasants' strong hand; neither bishop nor bursar could afford to lose tenants. Consequently, peasants got better rent rates, had entry fines reduced, and stole seigniorial resources with impunity.

The paternalistic attitudes of the bishops and bursars helped defuse tensions. These were not distant lords sending orders to their stewards by letter. Peasants had access to their lord. The priors often sat in at the halmote court; Bishop Skirlaw received petitions at Bishop Auckland, and Bishop

Hatfield's commission to investigate abuses might have come after a peasant petition. They knew what was going on in the villages, and were willing to show shrewd charity to their tenants, providing staggered rent increases, timber to rebuild houses, even pardons of fines and arrears. Actions such as these defused some tense situations, while the close contact may have dampened any building peasant resentment or anger. However, that same paternalistic attitude could chafe, as it constantly reminded the peasants of their inferiority, and may have caused jealousy or anger if a peasant or family were left wanting. The stewards and bursars had to deal with evasion of dues, concealment of infractions, and so on; paternalism or no, it was not a big happy family. While most often the socio-political relationships between lords and peasants fell short of conflict, friction was another matter altogether. The lords' position, their extraction of rents and services, their power and position meant that relations between them and the peasants could not be on equal terms. While the peasants may have accepted this as immutable fact, they took chances to make their lives easier. The lords had tradition and coercion on their side; the peasants had a lack of numbers and thus bargaining power. Both sides had power, but with limits. The result was constant pushing at the balance, constant friction, as they knew the other had the power to frustrate their goals. It may not have been conflict, it may not have even been resistance, but it was certainly not always amicable or equitable; although mutual confluence of interest meant that it could be.

The choice between opposing the lord or compromising (or collaborating) with him rested with individuals. There were numerous factors to consider. Economic stability might be more important than dignity for some, while for others, the chance to acquire freedom might be worth considerable risk. Opposing the lord could bring hardship, as the Durham Nine found out after several days in jail; but it could bring improvement as well. Collaborating with the lord against one's fellow villagers likewise could be dicey; the returns might be high, but what would your neighbors do to you? Peer pressure could be powerful. Alternatively, siding with your fellows could bring punishment from the lord. Every choice depended on an assessment of the current situation and the benefits and risks involved, filtered through culture, and taking into account pressure (real or perceived) from family, friends, and neighbors.

In the peasant communities, power relations were of a different order; the peasants were dealing with equals (more or less) and more often on an individual footing. Cooperation is assumed in a community, but conflict was an option in dealing with fellow peasants. Disputes could be settled, or escalated, through trespass and violence as well as through litigation.

Choosing confrontation or compromise depended on the social, economic, and political position of those involved, as well as considerations of family, allies, and the community itself. A reeve or juror might be more willing to try to intimidate another peasant; alternatively, customs and ideals might restrain such a man more than someone lower in peasant society. As in lord-peasant relations, decisions were made individually, but the influence of others was powerful as well; women egged men on into conflict, friends and strangers tried to settle quarrels. The escapades of children and servants drew their families and employers into feuds. Stress or strains with the lord could spill over into the community as well, with resisters taking on collaborators. The dynamic was extremely complex, probably more so than between lords and peasants.

In the latter half of the fourteenth century, conflict was normal, if not always predominant, among peasants, but was unusual between lords and peasants. The close contact between lord and peasant in Durham surely helped; far from being remote parasites, the bishops and bursars and their officials knew what was occurring down on the ground in the villages. If neither lords nor peasants in Durham sought conflict, why did such conflict occur? The answer would appear to be that the bursars or the steward had failed to read the tenants properly, or, it could mean the revelation of a "dialogue of the deaf."² Even when two groups are often in close contact, it is easy to see what you want to see. It took time for peasant resentment to build, and conflict exploded at the point when peasants could or would no longer contain their feelings about the lord. Of course, the hidden transcripts were revealed—or at least hinted at—at other times, and since the bursars and stewards did have close contact with the communities, this helped reduce broader conflict. The rarity of outright conflict, however, indicates that the dialogue was continuing, even if the two sides had very different interpretations of the relationship.

What of the motivations for conflict or consensus? The bishops and bursars did not oppress their tenants for the fun of it; they believed they were upholding their rights and responsibilities. The ways in which they backed down and cut deals indicates that the opinion of the peasantry was important to them; fear was not sufficient, goodwill was critical. Compromise could come at a cost, however, and so it was not always preferable. On the peasants' side, conflict was motivated by spite or desperation; but it could manifest as a desire for justice and proper treatment, or from a sense of being aggrieved at oppression. Thus, confrontation could serve to repair the institutions of lordship and the estate rather than to damage or destroy it. Within the villages, conflict could arise not only from personal disputes and

ideological divides, but also from the breakdown or weakness of village institutions. Here too strife could have positive goals, such as the restoration of consensus, compelling peasants to stand together against oppression or compelling an opponent to strike a deal. Conflict, whether violent or not, was a flexible tool. The same is true of consensus. Although consensus conjures up synonyms like harmony, it too could have a variety of motivations. Mutual benefit is always a major driving force in compromise; but compromise can also be the recourse of the desperate and weak, and it does not imply equity. Consensus could create goodwill, however. Compromises, charity, and concessions generate social and political capital and allowed future leverage or justification to refuse future compromises. Most of the time, compromise was just that: the result of bargaining and negotiation, neither a clear victory nor defeat. Both sides won, but usually neither got all of what they wanted. It was practical, shrewd, and risk-averse, and thus more prevalent than conflict with its higher stakes.

Finally, did conflict drive change in Durham? In the villages of the Priory, this might seem to be the case; certainly, the strife among peasants affected the community, and this in turn affected relations with the Priory. Yet one of the greatest changes, the leasing of customary lands, appears completely unconnected with any conflict, and instead stands as an example of change driven by mutual interest. On the bishopric estate, conflict certainly caused Bishop Hatfield to end some of his policies, but Hatfield made his choice before the conflict got out of hand, and negotiation rather than confrontation characterized the period. Did a fear of conflict, of arousing a multi-headed beast, inform the actions of the bishops and bursars? They almost certainly did, but then again, the same is true for peasant actions. On these two estates, at least, the desires of lord and tenant were not mutually exclusive. Both lords and peasants were on the lookout for the best deal, and bargained as hard as they could, but conflict was the last thing on their minds. Lords, like their peasants, wanted stability and certainty.

UNDERSTANDING THE PATHS TAKEN

Communities persisted on both estates, yet the bishopric villages remained much closer to what they had been in 1349. Seigniorial power weakened on both estates, and so there were differences in lord-peasant relations on each estate. Two factors were significant: the expression of individualism in agriculture and seigniorial involvement in the courts and villages.

The transition from the medieval, peasant, manorial economy to the (early) modern, capitalist, farm economy has long been a point of debate.³

In the medieval peasant economy, arable agriculture was the farming of scattered strips amongst common fields, with choices about crops and so forth decided by the village as a whole. Many of these decisions were enshrined as bylaws and enforced in the manor courts (Ault). English peasants had very little choice in this system, especially with their holdings scattered in selions throughout two or more fields and because those fields would be used as common pasture at certain times of the year. Engrossment and enclosure would change this, allowing peasants to work their lands more independently, and giving more choices in terms of arable or pastoral husbandry. Such a change did not come without conflict, however; as Dyer noted: “[t]he constant repetition of by-laws in the fifteenth century suggests that the system was being tested by changes in farming practice. The ever present tension between the selfish behaviour of individuals and the defence of the common good was reaching a new fraught level” (2005, 74). There also was an element of social control, with the wealthier and more powerful peasants attempting to impose their ideas of community and agriculture on the rest (75). The major changes took place in the fifteenth and sixteenth century, but some of the trends are noticeable earlier, and this is true of Durham, particularly on the Priory main estate.

On the bishopric estate, agricultural conflicts were common; on the Priory main estate, they were constant. The major discernable difference between the two estates had to do with the tenure of customary land. On the bishopric, although the steward granted some leases, most holdings were held for life; on the Priory, leases for a short length of time quickly became standard. Although the adoption of leasing of customary land postdates conflict in many Priory villages, the timing cannot be coincidence, and so it seems likely that much of the social divisions on the Priory estate arose from conflicts over agriculture, and that the use of short leases continued to cause problems as wealthier and more powerful tenants took control of more land in the villages. The evidence from the Priory seems to fit Dyer’s description closely, although it is better to see this as the fitful beginning of a long process that would not culminate until later in the fifteenth century. Conversely, on the bishopric, there were few leases and little conflict. It is possible that those bishopric tenants with an independent streak were able to find lands on the Priory, although this does not seem to have been common. The answer might lie in subletting; perhaps this practiced permitted the flexibility of leasing while encouraging interpersonal ties. Another factor particularly important with the increasing emphasis on pastoral husbandry is that the bishopric vills had ample pasture, as in 1300 “individual vills were likely to appear as islands of cultivated land in a sea of waste” (Dunsford and

Harris 35). This would have helped to minimize tension by reducing conflict over grazing on commons and in the fields. Some of the answers must lie in the village community itself, and its self-governance. Britnell noted that the bishopric vill "could have managed their agrarian resources with a degree of informality that would hardly have been tolerated in a large Midland village" (2004b, 37). There may have been room for individuality, or at least a tradition of resolving differences successfully and without common recourse to seigniorial enforcement. Coercion was an option; Britnell argued that in colluding with the steward regarding imposition of lands in the 1350s, the bishopric villagers were "collectively attacking elements of individualism within rural society—the capacity of individuals to migrate in search of a better lot, or to organize their land and labour according to their own inclinations" (1990, 38–39). Of course, the men most likely to collaborate were the most likely to engage in individual activity, so this may be an example of Dyer's paradox about the men making agricultural bylaws being the very ones likely to indulge in individualistic practices (2005, 74–75). Certainly the bishopric villagers at the time winked at families sneaking off or at tenants seeking to work their land their own way, so rather than attacking all individualism, perhaps this was attacking the wrong sort of individualism, and thus a form of social control. All of this indicates that the bishopric tenants had more room to maneuver than their Priory counterparts, but even then any individual agricultural impulses in bishopric villages were mediated through village customs and institutions. In the Priory villages, the move to leasing may have been a green light to break with tradition and the rest of the community, without any institutions or customs strong enough to temper the changes.

In the end, it is easy to say that the responsibility for the many changes lies with individual human actions, but groups and communities were just as important. The power of the peasants in resistance derived from their ability to act collectively. The emergence of certain families on each estate required some collaboration, through both usurpationary and exclusionary closure. Jurors often directed the actions of their neighbors. Individuals did influence events, and some actions spoke louder than others. Men with power or wealth to begin with found it easier to make certain decisions, and others followed along. Some individuals caused change through a rejection of others, as when William Standupryght drove his neighbors out of Ricknall, transforming it from a vill to a grange. In other instances, individual acts became contagious, when one or a few peasants made a particularly good bargain, such as holding land at penny-farm or for a number of years, the decisions spread throughout the village and then across the estate. Certain individuals or small groups emerged as

leaders, such as the Durham Nine. Bishop Hatfield's policies of the 1350s did not spring fully formed out of his or his steward's head, but were a mix of old approaches and stopgap measures that gradually evolved into a uniform policy; likewise, the resistance to those policies did not emerge as one united front, but developed at different rates in different places before becoming more widespread and collective. Individual actions mattered, but in many cases change derived from the actions of many individuals and the ways in which they influenced each other. In the span of fifty years, the inhabitants of Durham transformed rural society both radically and hardly at all, depending on which estate the observer examines. Throughout it all, social dynamics were decisive. The bishops and bursars struggled to maintain a precarious balance between economic needs and their seigniorial prerogatives. The peasants juggled their loyalties and duties to their neighbors with the tempting option of independent cultivation. They all struggled, against nature and each other, in a swirling maelstrom of change.

The malleability of social and political institutions and structures cannot be overemphasized; the years saw change that was more rapid and extensive than any other period. The loss of more than half the population created a unique situation in which sweeping change was possible. Although not all of these changes would fully manifest before 1400 (the syndicates on the Priory estate, for example), the foundations were laid in these years. The potential for manipulation of custom, structures, and institutions is exemplified by the variety of approaches taken. Bishop Hatfield, for example, tried to turn back the clock, to run his estate as it may have been run earlier, and failed. The bursars looked to past methods, modifying them or employing new ones as needed, and the complexity of their documents exemplifies the need for diverse, sweeping changes to adjust to the new situation. The bishopric peasants clung to their concept of community, avoiding change, while many of their Priory counterparts embraced the new opportunities. There was considerable uncertainty; old approaches were readopted or recast, and new ones were attempted. Change was not easy to manage; this may be one reason that the bursars were constantly issuing licenses and pardoning fines, as attitudes changed. In some cases, there was an overarching policy, conscious or not. Even if the execution was not always smooth, the bursars certainly had some vision: leasing out demesnes and tithes, shifting to purchase rather than production, but all the while maintaining a flexible system; in many ways, their administration became even more flexible in the years after the Black Death. In the end, the bishopric policy to managing all these changes was to pull back even further and leave much to the peasants; as the estate was geared to

providing more for a secular lord than a monastic house, this was an easy and acceptable choice.

In Durham, clearly the half-century after the Black Death was crucial for local economy and society, although 1355 to 1380 was the most critical time. This chronology strikes a rough chord with events in the rest of England; the 1370s and 1420s feature often as bookends of change, from the leasing of demesnes to the demise of serfdom.⁴ Here too again is the importance of local conditions and local responses, and so it is not much of a stretch to see a half-century of sweeping change as common, even if the starting point varies by a decade or two. Other periods did not witness change on this scale. Many of the trends before 1350 were intensifications of previous trends, or emerged slowly and unevenly; the same is true for after 1400 (or 1420), as the repercussions of the plague and economic woes slowly worked themselves out. To return to Dyer's *An Age of Transition?*, many of his turning points discussed in the conclusion fall between 1350 and 1430, with gradual development over the following century. To find other periods of such upheaval and transformation in rural society requires searching for other examples of intense change, such as a reformation or a revolution.

DURHAM, AND BEYOND

The theme of this book has been social interaction, on conflict and compromise; for these are the themes that have driven research into rural social history for the past half-century and more. One cannot be studied without the other, yet they are more than flip sides of a coin. Rather, they exist as part of a broad spectrum of options from which medieval (and modern) men and women could choose. The goal of this book was to examine how, why, and when those options were exercised, under what conditions and with what expectations, in all, to showcase the variety of human relations in a time of upheaval and transformation.

This is a study of variety in another sense as well, regarding the variety of experience in late medieval England as a whole. I do not mean this as in the sense of yet another local study, focusing on one village, estate, or region and its similarities or differences to other villages, estates, or regions. Rather than emphasizing how Durham was different (or similar), it is more important to emphasize how the events at Durham may be compared to events elsewhere in England; for example, there are episodes on the bishopric estate that recall the problems at Halesowen, while in some regards the transformations of the Priory villages resemble what Olson found at Upwood and Ellington, or E. DeWindt found at Holywell (1971). Yet the overall paths

were different; for instance, the bishop had extraordinary powers to coerce; yet he chose a different course of action than the abbots of Halesowen. Many Priory peasants sought more individual approaches to agriculture, and were encouraged to do so by the bursars, yet the bursars remained closely involved in village affairs. Dyer recently argued for the obsolescence of general chronologies, citing evidence of turning points and transformations happening in different orders and at different paces throughout England (Dyer 2005, 244–245); Durham, with its two estates with different paths, is yet another example of this.

Of course, as a county palatine, Durham was different in a number of ways from the rest of England. The bishops had quasi-regal powers and could use their control of the county and its officers to reinforce their estate. The halmote courts had unique features, and overall the legal system in Durham seems to have differed from the rest of England (Larson 2005). The legal condition of many peasants and the tenurial structure also present challenges, although such variations are found in other areas of England as well. Whether these made any significant difference in social and political dynamics at the village and estate levels is a thorny question. Although the distinction between palatine and seigniorial is indistinct (and possibly superimposed), the bishops certainly were very restrained in using their palatine powers in the bishopric estate. As for the halmotes, one might almost have expected them to have buttressed seigniorial authority and permitted greater control over the tenants; there certainly were no instances of the bishops or priors being impleaded in the halmotes, and recourse to other courts was forbidden. Again, neither bishops nor bursars truly exploited the potential of the halmote courts as coercive instruments. The social, legal, and tenurial conditions of the peasants may have had more of an impact. The Priory had a simpler tenurial structure in 1349, while the bishops had allowed the situation to become even more complex through the creation of exchequerland. The low numbers of true serfs may have made a difference; the freedom of so many peasants to leave gave them significant bargaining power after the Black Death, yet the neifs had *de facto* freedom to leave as well since the bishops and bursars found it difficult to recover fugitives. The answer may lie in mentality, in concepts of good lordship, which are more difficult to recover.

This is not the death knell of local studies, just as the complication of the “manor” was not the end of manorial studies. If anything, it increases the importance of such local studies so as to understand better why certain changes happened at certain times under certain conditions. It emphasizes the importance of individual responses to local conditions and the changing

nature of those responses. This study also serves to confirm (if such confirmation is even needed) the importance of studies on the many facets of rural life, as these are so critical to understanding what happened. Late medieval Durham provides an excellent paradigm for late medieval English society. There is no single answer, no single path. Lords and peasants struggled with each other; sometimes this brought change, sometimes it aborted change. Peasants grappled with each other too, over the petty and the significant. Individual choices and actions weakened communities; community trumped individuals. The back-and-forth, give-and-take resulted in change. On both estates, seigniorial power and authority weakened, and lords concentrated on making the most of their land. On one estate, communities fragmented, while on the other, they remained strong. In a time of upheaval, after the death of more than half the population, with economic difficulties, men and women put their worlds back together; they just did not use the same building blocks in the same order.

Notes

NOTES TO INTRODUCTION

1. Emma and Anabella Jonisdoughter were fined for fornication in the bishopric vill of Ryhope, in the spring of 1358 (PRO DURH 3/12, f 180v). Unfortunately, there is no indication in the records of their relationship to each other. Judging by the unusual patronymic (-doughter was a very uncommon suffix), they likely were sisters.
2. Farmer provides a detailed set of wage data for England (1991, 471). One receipt for repair services on the bishopric estate indicates that wages for skilled labor in Durham correlate closely with Farmer's numbers (CCB B/23/1/8).
3. Some might refer to this as "capitalist," but I avoid this and similar terms when possible, due to their broad and debated meanings.
4. The most important recent contribution here is the debate between Hatcher and Bardsley over wage discrimination after the Black Death. Bardsley argues that the patriarchal structures of England maintained a lower wage for women despite demographic and economic trends that might have pushed a purely "rational" employer to equalize the pay scales, and thus the power of the patriarchal culture is that much stronger for resisting the impetus to change. Mentality and the cultural context do not depend solely on non-human movements, and can dictate the human reactions to those changes (Bardsley 199b).

NOTES TO CHAPTER ONE

1. Wolf's "social maneuver" is preferable to agency (2001, 216, 225), but the latter has been employed here as it is the common usage.
2. On the economic development of England, Bailey and Hatcher provide an overview and critique of the major theories and approaches. On the peasant

community, Schofield presents an up-to-date synthesis that includes a discussion of major questions (2003). On the general economic and social history of Britain, Britnell has produced a highly useful synthesis, with exhaustive notes (2004a).

3. This is a continuation of Roberts' pioneering work on settlement and land use (1977, 1987), in which Durham villis have figured prominently.
4. The debate over caloric intake and nutrition is complex and controversial. In part, analyses of peasant diet are hampered by two major factors. First, the only solid data for estimating peasant diet derive from the number of acres held; this excludes sublet land, as well as whatever may have been added to the diet from small gardens, fishing, hunting, and gathering, little of which appears directly in the records and subsequently interpretations are highly subjective. Second, even today nutritional experts cannot agree for long on what constitutes a balanced diet, or the recommended caloric intake. Comparisons of English peasants with *ancien régime* or Russian serfs also clouds the issue; there is evidence that the diets and standards of living of these groups were substantially worse. There is little doubt that some peasants did not have sufficient caloric intake; the question is, how many? Again, there are complications. Even if a peasant family was calorically lacking, seasonal variation in eating may have minimized the effects, for example, eating well when there was food and limiting intake at other times when food was scarce but so was the need to work. In addition, the human body is resilient and even regular, extended fasts had limited effects on health; as long as a good diet was resumed at the end of the period, long-term damage was small. Historical analysis and modern clinical tests have shown that those subject to fast or famine conditions had a remarkably low incidence of infections, strongly implying that, while death from starvation still occurred, malnutrition did not automatically increase mortality during outbreaks and epidemics. Thus, there are grounds for arguing that caloric intake was not a continually significant factor in lord-peasant relations in late medieval (and especially post-plague) England. For a general discussion of these issues regarding premodern Europe, see Livi-Bacci. Concerning medieval England, Dyer's *Standards of Living in the Later Middle Ages* is the standard work, and he considers factors and options hidden from our view that may have lessened the difference between peasants with "sufficient" land and those without (184–187). Postan and Titow focused on peasants on the edge of starvation. The most recent treatment of peasant standards of living is Kitsikopoulos, who takes a middle road between the optimism of Postan, Titow, *et al.*, and the pessimism of Hilton. Moore considers the role of charity and the meaning of poverty in this environment, which also would have affected standards of living.
5. The contributions of Marxism, demography, and quantitative methods are well known. More recently, inspiration has come from feminist

methodologies. Bennett has provided an excellent discussion of the strengths of feminism for medieval studies, as well as the difficulties faced by those employing such methods (1993). As with any new approach, there are conflicts in interpretation. One excellent example is the debate between Bardsley and Hatcher over women's wages in the Black Death; what records to use and how to interpret them depends greatly on approach, whether inspired more by feminist concepts or traditional economic analyses (Bardsley 1999b; Bardsley and Hatcher).

6. Wrightson and Levine provide a good overview of the changes of the period and the relevant historiography (1–18, 110–185).
7. The most prominent arguments for continuity or intensification are Spufford and McIntosh 1998. Wrightson argues that their critics have overstated the importance of religion (Wrightson and Levine 203–07); elsewhere, he examines the conflict in more religiously-neutral terms (Wrightson 1980).
8. To confuse the issue further, multiple “orders” often were in play. Even at the simplest, black-and-white level, there were at least two competing villager/peasant concepts and two competing seigniorial concepts, and perhaps the concept of the moralist/theoretician, all conflicting with the others at different times.
9. There are several important works on English manorialism (Aston 1983a; H. Bennett; Maitland 1897; Vinogradoff 1905; Jolliffe). Many of these have been surpassed in details, but their general theories and interpretations still bear considerable weight.
10. Hilton disagreed with Vinogradoff's arguments, partially due to the different connection of serfdom and labor services in various regions of England. Instead, Hilton emphasized legal status and all the little things that lords controlled in a peasant's life, arguing that serfdom declined when the serf gained access to rights such as the “freedom to accumulate, freedom to build up an inheritance, freedom to dispose of his marriageable daughters” (1969, 29–31).
11. Kitsikopoulos calculated a peasant budget model for the pre-plague period; the model requires significant selling of produce as well as some labor, but the aim of such marketing is to pay the rents, dues, services, and taxes owed to the lord and the king, as well as to maintain the house and the holding.
12. The lack of profitability in the fifteenth century turned on two important factors: the holding of a halmote tourn rather than one central court, and the elimination of entry fines because of leasing. Whittle provides a recent discussion of the vicissitudes of manorial courts and court profits in the late fifteenth and early sixteenth centuries (46–64).
13. Similar interpretations have been applied to early modern England; see especially Brewer and Styles 1980b. They elaborate on the “self-imposed restraint” of those in power: “[the authorities] traded unmediated power for legitimacy” (14). Such a political calculus operated in medieval England as

well, and made the whole system function. Many lords abused that power, but monarchs, judges, and ministers did so as well and it is unjust for one period to be held up to a different standard than the other. The functionality of the period's socio-political relations has been occulted by the flashy examples of oppression and extortion, which naturally capture the attention of the researcher and the reader.

14. For specific instances of this, see Hilton 1966, 134–135. Dyer found that the immediate causes of many disputes between lords and serfs were minor ones, such as suit of court, carrying services, and pannage, and especially those burdens that changed year by year (Dyer 1996, 288–291). The serfs wanted certainty.
15. Hilton provides a specific example of this in his work on the West Midlands (Hilton 1966, 127–131, 143–148).
16. Hilton's arguments here provide an example of the potential utility of closure theory in understanding conflict.
17. It is also possible that the reluctance of serfs to purchase their freedom derives from fear that such a purchase would be an acknowledgement of their earlier unfreedom.
18. “[F]lashes in the pan” is quoted by J. Scott from Bloch 170. Other historians have used Bloch to justify how common and frequent agrarian revolts were. For example, Razi employed Bloch to counter scholars he claimed wished to deny that “latent revolt is always present and is only waiting for an opportunity to erupt” (1983, 153).
19. For a brief overview of the political impulse to peasant studies, see Wolf ix–x.
20. Poos discusses the benefits and drawbacks of this approach (1986); Razi's critique is far sharper (1980).
21. This is similar to Scott's arguments that peasants in Southeast Asia (and in general) have strong ideas of what sorts of exploitation were just and what were not (J. Scott 1976, 2–4)).

NOTES TO CHAPTER TWO

1. One bishopric steward said in 1302 that “[t]here are two kings in England, namely, the lord king of England wearing a crown in sign of his regality, and the lord bishop of Durham wearing a mitre in place of a crown in sign of his regality in the dioceses of Durham,” quoted in Fraser 1956, 329. On the rights and prerogatives of the bishops, see Fraser 1959.
2. On the history of the medieval North and northern culture and attitudes, see Kappelle, and Lomas 1992; for relations with Scotland, see Neville. Regional identities like “the North” are still pervasive concepts in England today, sometimes as purely regional identifiers (signs on the

motorways directing travelers to “The North” or “The South”) but also in cultural constructs and stereotypes (Jewell).

3. This process may be seen in the lives of a number of medieval bishops of Durham (Scammell 1956; Fraser 1957; Storey).
4. Prominent arguments regarding the medieval gentry community in particular have been made by Carpenter 1994 and Pollard 1980. Hughes has critiqued the county as a unit for studying early modern England.
5. Terling is perhaps the most well known village study for the early modern period (Wrightson and Levine). Their work has been subject to criticism, which Wrightson answers in a postscript to the second edition of their study (Wrightson and Levine 211–218).
6. Some historians are now arguing that peasant lives were not as isolated as often has been thought and that peasants knew and cared about national politics. Carpenter has demonstrated that peasants understood the politics of the Barons’ War and took an active part, staking out their own position (D.A. Carpenter), while Goheen argues that peasants actively engaged with the broader political landscape, manipulating politics to their own ends.
7. The origins, extent, and powers both real and theoretical have been debated, at times fiercely (Hurnard; Fraser 1949, 1959; J. Scammell 1966; Alexander). In much of the debate, the exact position depends heavily on assumptions about what the records do or do not say and on theories of royal power and development.
8. For example, when Bishop Puiset refused to permit the use of new assizes in Durham, the men of Durham waited until the see was vacant and then purchased the use of those assizes from King John (Lapsley 166–67).
9. Bradshaw’s work is valuable; he identified a number of important features of the period after the Black Death, such as the tenurial structure and community life, but his aim was a general overview of all of Durham’s history. Many of his interpretations are now out of date, as significant research has been completed since he completed his essay in the early twentieth century.
10. The reasons for this relatively late start are many and varied, often rooted preferences both old and new. For example, the records are not suitable for the demographically oriented studies that dominated socio-economic history in the late twentieth century. In addition to a lack of data on birth, marriage, fertility, and death, the frankpledge system did not operate in northern England, preventing the approach used by Poos (1991). The gaps in the record would frustrate an attempt at Toronto School village reconstruction or select peasant prosopography, even if the fluidity of Durham peasant surnames did not already make such attempts nearly impossible.
11. This topic is discussed more fully in Larson 2005; the following paragraphs form a brief summary of that work.
12. The concept that debts of 40s. or greater were required to be heard before royal courts evolved from an imaginative if not completely logical reading

of c. 8 of the 1278 Statute of Gloucester. The intent of the statute was to remove petty debts of less than 40s. from the royal courts, and to limit corruption and chicanery, requiring that suits for large debts in a lesser court be brought by writ (which, incidentally, was not a requirement in Durham).

13. The one attempt to sue the bishop in the halmotes led to an amercement (PRO DURH 3/12, f 191v).
14. Bradshaw took a more pessimistic view of the halmote courts, and argued that the peasants found the court unsatisfactory (190–192, 220–222).
15. The monks reorganized and recatalogued the muniments in the late fifteenth century, creating the *Magnum Repertorium* in the 1450s, and the *Locellus* system near the end of that century (Dobson 1973, 4–5). Both are still in use today.
16. The Surtees Society has published many of the medieval records of both estates. The older editions are not always reliable; nevertheless, they remain a vital resource, and, given the quantity of records still unpublished, unlikely to be superseded.
17. Bailey provides a thorough yet easily accessible introduction to medieval manorial (and leet courts), from the usual methods of holding courts and the business heard to the silences and difficulties of interpretation, as well as a summary of the historical uses of these records (2002, 167–192). The examples that he provides are very illuminating, and also serve as a good introduction (193–240). A number of manorial court records have been published (and Bailey's work is a good starting point), but of course the classical work is Maitland's *Select Pleas in Manorial and Other Seigniorial Courts*.
18. In the late fourteenth century, the Priory also began keeping a set of records in codex format, recording only land transfers. While these are termed halmote books as well, the term here is reserved for the bishopric books.
19. For example, both estates created estreats (*extracta*) listing who owed what sums from the court. Although referred to in both sets of halmote records, only a few Priory estreats have survived. The Priory halmote books were another such subseries; had those codices not survived, we would have almost no information on landholding and tenure after 1400.
20. Most of the bishopric halmote books in this period do not record fines and reliefs (unlike the books from the 1350s), records of court receipts are infrequent, and terms of landholding often are extremely vague.
21. A survey of records suitable for such studies omitted both Durham estates because neither met the required criteria, apparently because of the lack of records from before 1349 (Cripps, Hilton, and Williamson).
22. Not surprisingly, there has been extensive debate on the subject, most recently between Beckerman and Bonfield over whether the justice was driven by legal principle (Bonfield 1989; Beckerman). The Durham

halmotes support Bonfield's arguments (Larson 2005), and the business heard reflects peasant interests and quarrels to a significant degree.

23. Hilton provides the most comprehensive analyses of the revolt and its meanings (1973).
24. Perhaps the best example of this is the story of the Antonian movement in the kingdom of Kongo led by the "Kongolese Saint Anthony," Doña Beatriz Kimpa Vita (Thornton). Supposedly, the Portuguese Capuchins had thoroughly converted the Bakongo to Roman Catholicism and extirpated their native "pagan superstitions." However, when Doña Beatriz began a popular religious movement against the many internal wars, it quickly became apparent that Kongolese Roman Catholicism was not the same as Portuguese Roman Catholicism. In adopting Christianity, the Bakongo had translated Catholic ideas into Kongolese ideas that the Portuguese considered heretical or akin to witchcraft. Doña Beatriz claimed to have been possessed by St. Anthony, which many Bakongo accepted as the truth, as such possessions by revered men and women were positive and valid; the Portuguese thought it impossible, as according to orthodoxy the only source of possession was the Devil, and they eventually succeeded in having her executed. The response to her teachings demonstrated just how different the Christianity of many Kongolese was from what the Capuchin priests expected.

NOTES TO CHAPTER THREE

- 1 The exception is the Wapentake of Sadberge, purchased by Bishop Puiset in 1189 from Richard I. Puiset incorporated it into the bishopric, but the Wapentake retained its own officers and in other ways remained an independent unit (Fraser and Emsley 1980; Pattenden).
2. The history of Durham was recorded by Simeon of Durham in his *A History of the Church of Durham*. Craster described the history of the estate, called the patrimony of St. Cuthbert.
3. The original has been lost or destroyed, but there is a fourteenth century copy (1.4 Pont. 4) that has been transcribed and published (*FPD* 212–17). Barlow discusses and analyzes the dispute over the patrimony, which was primarily focused on ecclesiastical jurisdiction (1–52). Some subsequent bishops reissued the grant underlying *le convenit*, particularly the clause involving the division (*dimidation*) of fines on Priory tenants in bishopric courts (e.g., 2.10 Pont. 3).
4. The *Survey* is imperfect for Stockton Ward, and does not include the bishopric properties in Yorkshire (Emsley 1975). The *Survey* was completed sometime in the early 1380s.
5. These are easily visible in the manuscript, and printed in all capital letters and centered over the entries in the printed version.

6. A better translation might be "lordship farm" or "demesne farm." Most manors in Durham were isolated farms with no attached settlement (Dunford and Harris 2003, 41–46).
7. The other obedientiaries possessed far smaller amounts of property and with one exception no real customary land, with their income deriving from burghages and ecclesiastical dues (Lomas 1973, 6–12, 27–28, 271–72, 156–261; Halcrow 1949, 4–13).
8. The surviving rentals provide good snapshots of the Priory main estate for the thirteenth to fifteenth centuries (*Bursar's Rentals*). R. Lomas has done considerable work on the Priory estate at the end of the fifteenth century, both its organization (1998) and the farming of demesne manors (1978; 1982).
9. These are Jarrow, Over and Nether Heworth (sometimes treated separately), Monkton, Harton, Westoe, Monk Wearmouth, Fulwell, Southwick, East Rainton, West Rainton, North Pittington, South Pittington, Moorsley, Dalton-le-Dale, Monk Hesledon, Billingham, Cowpen Bewley, Newton Bewley, Aycliffe, Kirk Merrington, Middlestone, Westerton, Ferryhill, Hedworth, Hebburn, Burdon, South Shields, Great Chilton, Wolviston, Newton Ketton, Preston and Simondside (usually treated as a unit), and Edmundbyres. The vill of Wallsend and Willington on the north bank of the Tees were administered along with the villages in Durham proper, but have been excluded from this study because of their location in a different county (Northumberland). On the role of *famuli*, see Farmer 1996; Dodds 2000.
10. Muggleswick, Healeyfield, Bearpark, Aldingrange, Relley, Houghall, Coat-say Moor, Newhouse, and Castle Eden.
11. There is also the unusual "Gilly-Corn Rental" of 1424 (Fraser 1955), a listing of all lands on the Priory estate that owed this old customary due.
12. This familiarity may be the reason that Bishop Thomas Langley charged the coroners with his new survey (Britnell 1988, 218).
13. The unique combination of seigniorial and royal or public duties has drawn the attention of several historians of Durham (Britnell 1990, 32–33; Lapsley 87–88; Emsley and Fraser 1984, 14–15; Larson 2000, 38–42).
14. Bradshaw presented a very basic overview of these officers (186–187).
15. Cam discusses communal action by English vill or townships in the thirteenth and early fourteenth centuries, who were often represented by the reeve or jurors (4–13). See also Raftis 1964; Dyer 1985, 1994.
16. Contrast the situation in the Ramsey Abbey villages, where the offices were spread so that one man did not hold other offices (Raftis 1966, 107–108).
17. There is no evidence of any official perquisites in Durham, but the reeves may have received unofficial perks, such as preference in leases or pardons for fines (Harvey 1965, 69–70).

18. For example, the reeves of Cuxham (Oxfords.) were chosen by the lord of the manor, Merton College (Harvey 1965, 64–65, 71–73). In Upwood, the “homage” elected four men, from whom the steward selected one to serve as reeve (Olson 115). On other estates, reeves were chosen based on tenure.
19. For example, Thomas Bretvill, reeve of Chester-le-Street, held five messuages, five bovates (about seventy-five acres) of customary land, and seventeen acres of demesne in Hatfield Survey (PRO DURH 3/13, f 21v; *Hatfield's Survey* 77–83). John Foueler of Bondgate-in-Darlington held three messuages and three bovates, one cottage, and one bovat of demesne (PRO DURH 3/13, f 108v; *Hatfield's Survey* 1–6). Peter de Cornforth of Middridge held one and a half messuages, three bovates, and four acres of demesne (PRO DURH 3/13, f 17r; *Hatfield's Survey* 20–23).
20. Similarly, Hatcher noted that reeves in Cornwall usually had above average sized holdings (1970, 39). The same held true at Cuxham (Harvey 1965, 71–72).
21. Reeves on manors in the honor of Leicester normally served for one year (Fox 25). The manor of Cuxham had seventeen reeves, bailiffs, or stopgap managers between 1268 and 1359, only two of whom held the office for more than two years (they served for life) (P. Harvey 1965, 64, 71–73). Miller observed that in the bishopric of Ely, the bishop's administration appreciated experience, and so some men held the office of reeve up to twelve years in a row, though five to seven was more common of longer tenures, and approaching the Black Death, “the traditional reeveship of the manor was beginning to be an office for a quasi-professional rather than an out-and-out amateur” (253–254).
22. On many manors, the office was a burden. For instance, in the Tavistock Abbey manors, multiple men were selected and then each man bid to be excused, with the lowest bidder becoming reeve (Finberg 80).
23. On the Priory estate, some cases never went to judgment by the jury or steward, but were settled by oath-helpers; for a discussion of compurgation in the manorial courts, see Beckerman 203–212.
24. A. DeWindt describes a similar situation in one of the Ramsey Abbey villages (245–252). Olson saw the makeup of the jury as being more representative in Upwood and Ellington, with smallholders frequently joining (156–157), and Britton noted a similar trend in Broughton (94–102).
25. In villages without a specific holding for the pinder, the office likely became an elected one, as with other offices. It is unclear what the procedure was should a pinder no longer be able to perform his office, or if the punderland (and therefore the office) passed to a woman after his death. In 1400, the pinder of Bishop Wearmouth had died, and the widow recused the land (giving no reason); this is the only example I have found of this situation (PRO DURH 3/12, f 321v).

26. This was true of peasants throughout England in the eleventh century, before subsequent changes in their status (Britnell 2004a, 229). Those changes did not occur the same way in Durham, apparently.
27. Occasionally, someone refusing to pay certain rents or renders, such as suit of mill, was referred to as disinheriting the church. Land was held similarly on the Westminster Abbey estates (B. Harvey 246).
28. There are scant records for the inheritance by sons of the father's core lands, and so this must have occurred seamlessly outside the halmotes, or at least such transfer was unencumbered by fines. Widows taking their husband's lands do appear in the records regularly, however, as do other men taking the dead man's lands, or sons renewing leases.
29. Some lands fell in between these two simple categories, such as dringages; they were always a borderline category, with some being elevated to full free status and others being defined as customary.
30. The causes and results of this are too many to go into here, and this has been covered elsewhere (Miller and Hatcher 116; Kosminsky 329; Hilton 1965, 13–19; 1969, 10–17; Vinogradoff 44, 128–37; Hyams 1980, 1–2, 29–37, 260–65; Maitland 53–55, 67–94 *passim*, 307–313, 335–340; Stenton 470–71, 686). If the depression of many peasants into unfreedom did in fact depend on developments in Common Law and severance from the king's justice, the bishopric and Priory tenants may have preserved more freedom because of Durham's divergent legal history.
31. In the Worcester bishopric estate, such anomalies were quite rare (Dyer 1980, 105).
32. Hilton argued that the term *villeinie* in France was an antonym of chivalry, a simple division between knights and peasants (Hilton 1969, 15). The use of the term *rusticus* to denote unfreedom would seem to mirror this division as well. Villeinage occurs only once in *Boldon Book* (44–45). There the scribes used it as an antonym to *dominium* and *dominicum*; rather than indicating serfdom, it simply means that the land in question was held by tenants and was not demesne land.
33. There was significant change in the estate organization in Durham after the Black Death, as elsewhere (Roberts 1997, 1987; Campey 1982, 1989; Kapelle).
34. Bradshaw concluded that only the lands was really “servile” (180). However, there appeared to be little stigma regarding the land, and to call it “servile” might be to label it incorrectly by applying concepts used for people on to land that did not apply in Durham.
35. Bradshaw provides a brief overview of the neifs in the *Victoria County History*, identifying several key features, including their small numbers (180–181, 205–209).
36. This is a rough estimate based on a comparison of the number of families listed in the Billinghamshire neifty inquests with the number of tenants in

the 1396 rental (*Bursar's Rentals* 96–104). For the purposes of this estimate, I assumed that individuals of the same name in the rental were the same person, and that individuals with the same surname were members of the same family. The aim of the exercise was to produce a working estimate; further work is needed using family reconstruction techniques and an analysis of the entire estate. However, rarely were there more than twenty neifs mentioned per vill, from only a handful of families, so the actual percentage may be much smaller.

37. There is almost no evidence of such forcible returns of Priory neifs; see Chapter 7.
38. A number of Priory manumissions survive (Loc. XXVIII: 1.A-K). Several of these were also entered into the Priory's registers along with other manumissions (Reg. I, ff 70v-72r; Reg. II, ff 294v, 295r; Reg. III, ff 278r, 289r).
39. The fine of 10s. occurred in 1332 (Loc. IV.:48 m 1). The largest fine I have seen after the Black Death was six shillings and eight pence. A fine of 5s. was recorded under the heading *auxilium nativorum* for the vill of Carlton in *Hatfield Survey* (178). Intermarriage with other tenants appears to have been discouraged by not forbidden.
40. Some neifs did manage to hold onto these lands, either because no one else wanted them or because they offered higher rents (PRO DURH 3/12, ff 68v, 91r).
41. The procedure and proof are consistent with practices in the rest of England (Hyams 1974; Hilton 1969, 26–27). Male relatives (particularly his father and grandfather) were used to determine status. Women had little place in determinations of freedom; female neifs seldom were mentioned in the records, even in the Priory neifty lists.
42. Some bishopric marriage fines noted that the tenant married *extra feodum* (PRO DURH 3/12, f 61r).
43. Except when the female neif married a neif. Most marriages were mixed, one person a neif, one a free customary tenant.
44. Hilton explains the earlier usage and subsequent transformation (1965, 3–4).
45. Hilton argued for a different process of disenfranchisement. To him, the loss of freedom by the peasants was driven by the lords' desire for control over persons and land, so that serfdom was the goal of the Common Law changes rather than a byproduct (Hilton 1969, 10–17, 26–29). If his theory is accepted, then there must be another explanation as to the social and tenurial patterns in Durham.

NOTES TO CHAPTER FOUR

1. The best summary of the debate on post-plague demography and economy remains Hatcher 1977, although work continues. A recent study examines

the effects of the plague throughout Europe, allowing some comparison between England and the Continent, although this is limited (Benedictow). Other than data on the first outbreak of plague, the Durham records can contribute little reliable statistical evidence to this debate.

2. Harris and Dunsford found a decrease in arable land under cultivation in Durham before 1340.
3. Rubin provides an overview of poverty in fifteenth century England, focusing on how changes in economy and demography affected views of the poor and of charity to the poor. Moore examined poverty in a small urban setting in the late thirteenth and early fourteenth centuries and the ways in which it was defined and treated in that setting. Although not primarily on poverty, McIntosh 1998 includes poverty-related infractions regarding social control in rural England.
4. The exact timing of and reasons for the lack of population replacement in England are still in question (Hatcher 1977; Bailey 1996; Razi 1980, 114–117). The reasons for Durham's continued population shortage are indeterminable at present, as the records do not provide the demographic data necessary for fertility, mortality, or mobility rates; marriage rates do appear to have held reasonably steady, however.

NOTES TO CHAPTER FIVE

1. Palmer argues that these acts exemplify new and innovative initiatives from the center in direct response to the Black Death. Anthony Musson provided a strong critique of Palmer's thesis (2000). The validity of Palmer's thesis in Durham cannot be tested readily. However, labor control in the villages was not new; many villages and manors in England already had similar rules enshrined in their bylaws (Ault 378–79).
2. Hatcher provides the best synthesis (1977), but the exact cause of the continued population decline is debated. Bailey 1996 provides a recent update on this debate.
3. There has been considerable study on the question of feudal reactions (Bridbury; Hargreaves 53–54; Poos 1991, 240–46; Hilton 1969, 36–44; Bailey 1995, 14–18). Dyer noted that recent research does not support earlier theories about increasing dues and labor services; instead, peasant discontent was due more to frustrated expectations (Dyer 1983, 9, 21–31). A switch from commutations to demands in kind, or stricter extraction of dues, would have accomplished this, by limiting peasant options.
4. These fines were lower than those Titow observed for the Glastonbury Abbey manors, where £10 was common and some fines were as high as £40 (1969, 73–78).

5. I am referring to new commutations only; there had been at least one older phase of commutations, completed before the compilation of *Boldon Book*. Halcrow argued that hired labor performed nearly all seasonal work in the early fourteenth century, and that this had been normal practice for some time (1949, 102–3).
6. This section and the next rely primarily upon Britnell 1990, although I have added further examples and sometimes extended and modified Britnell's conclusions.
7. Ricknall was exceptional in its problems, eventually being depopulated and turned into a grange (Britnell 1990, 40–41; *Hatfield's Survey* 25).
8. In 1353/54, the clerk created a new *titulus*, “bondages demised at farm,” listing individual tenants, but until 1358/59 the rolls continued to list commutations and leases by vill instead of individual tenant (Bur. acs. 1300/01–1400/01).
9. Fear of a similar situation, with many tenants demanding these terms over the older terms, may lie behind the reluctance of the Prior and Convent of Ely to let out their customary lands at anything other than the usual terms after the Black Death (Bailey 1995, 7–10).
10. Milling was incredibly prominent in medieval England. Langdon recently published a thorough study not just of the milling industry, but of the culture of milling in England. He included data from a number of Durham mills in his study.
11. The peasants broke these stones during the 1381 Rising. Levett does not mention this incident.
12. Most exchanged occurred in the 1970s (Scammell 1974; Searle 1976; Scammell 1976; Searle 1979; Bennett 1981; Brand, Hyams, Faith, and Searle). More recently, the focus has shifted to the exaction of merchet rather than its origins (E. Jones 1998).
13. The usage implies some form of dependence on the lord. The term also occurs in Priory records, referring to “widows of the lord Prior.” However, the instances are very few, and the Priory never really adopted the practice. This may be connected to the Priory's shift to leasing their customary lands.
14. Why did women pay for this license, instead of waiting for their marriage? This could indicate they feared that the bishopric officials would force them to marry, or give up their land.
15. For this reason, it is not possible to determine if Titow's marriage pattern, where a young man married an older widow, then re-married to a younger woman, was true in Durham (1969, 6–13).
16. A few widows who were not termed bishop's widows held land, but such exceptions are few in number; the most likely explanation is that the scribe omitted their classification as bishop's widows.

17. It is not clear whether women who had held jointly with their husbands paid new entry fines when widowed.
18. Others have found that widows in post-plague England had difficulty remarrying, as men no longer needed to marry a widow to acquire land. Before the plague, remarriage was normal Halesowen, but less than a third of all widows did so after the plague (Razi 1980, 63, 138). Hanawalt argues that difficulty in remarrying led many widows to reject landholdings, as they could neither work them nor attract a husband who could, and those who did remarry usually were both young and well-endowed with land (Hanawalt 1986, 149). On the different factors affecting remarriage, see Hanawalt 1993.
19. We know little about how this burden was apportioned. It was probably a communal obligation, as most amercements targeted the entire village. Those fines might indicate wide-scale disobedience, while fines against individuals could be due to simple negligence or poverty, or they could point to a disintegration of the village community, with some members refusing to contribute. Bradshaw interpreted the defaults as an attitude of indifference to work (222).
20. Miller and Hatcher emphasize the importance of customary labor as a supplementary or emergency reserve of labor that lords claimed but did not exact with any frequency (Miller and Hatcher 198–223).
21. The wording of the surviving account rolls is ambiguous. The Priory manorial accounts became less detailed after the Black Death, with one or two lines summing up information that once filled inches of parchment; the activities had not changed, merely the notation. Take the Pitlington manor accounts, for example (Pitt. acs.). The accounts of 1339/40 and 1340/41 itemized the labor services used. While the next surviving account (1344/45) lacked such an itemization, it did record the use of customary labor. After a gap of twenty-one years, the rolls are considerably less detailed. In the Pitlington manor account roll for 1376/77, for example, the expenses for reaping and binding were recorded as “505 reaping and binding the corn in autumn as if for one day as if each of them were taking 3d. per diem,” totaling £6 6s. 3d. That “wage” is conspicuously similar to the standard commutation rate for autumnal work in Durham, whereas the wage rates for such work calculated by Farmer for the same time period are rather higher, nearer to 8d. (Farmer 1991, 517). These workers were paid in cash, but with a credit to their rents. What we are seeing is a different means of accounting for labor services, one that was more flexible and assumes that commutation is frequent, if not universal. When answering for the works due at his manor, the sergeant accounted for these in terms of cash and not *opera*. For example, when the collector of Bishop Middleham transferred certain works to the manorial bailiff to be used instead on the manor, the record states that he “delivered” £10 “in divers works,” not that he delivered “X” reaping works

from “Y” tenants as would have been done before 1350 13/65/14. It really is no different than saying that in 1340 a manor produced “X” quarters of wheat, but that in 1390 it produced “Y” shillings of wheat.

22. Bill. acs. 1343/44; Halm. Rolls Summer 1345. See also Halcrow 1949, 09.
23. On the Priory main estate, the bursar controlled many of the decisions regarding customary labor. On the bishopric estate, the decision of whether or not to use customary labor usually lay with the manorial sergeant.
24. Bridbury saw the end of demesne farming in the rest of England coming late in the fourteenth century as a result of falling prices, rising wages, and lack of tenants (Bridbury 586).
25. Many peasant households in Durham had servants, but the extent of the practice and the source of the servants are both indeterminable. Raftis argued that the wealthier peasants of Ramsey Abbey “had access to extensive labour services” through both permanent hired help as well as transient laborers (Raftis 1966, 116–117). Fox believed that the Durham selfodes were landless agricultural laborers (Fox 522–525).
26. This raises a number of interesting issues about culture and knowledge in Durham. Is this confusion pointing up some problem in the transition from oral knowledge to written record? There were certainly early records, but perhaps they had not been updated because any changes were entrusted to memory? Clanchy concluded that pragmatic literacy was widespread by 1300; however, he does not address the idea that some records were more important or permanent than others, and his study does not extend to the 1381 Rising, in which written records were prominent targets.
27. Given the coroners’ mix of regal-palatine and seigniorial duties, the retrieval of fugitive neifs may always have been part of the office; such work for the Priory was not a matter of course, and resulted in the coroner and his assistants being paid for their pains.

NOTES TO CHAPTER SIX

1. As with Chapter 5, in this Chapter I also owe a debt to Britnell 1990, factually and for interpretation.
2. Many of these resistance strategies had in fact been employed well before the Black Death (Franklin; Müller).
3. Britnell believed that Margaret and her husband were neifs (1990, 32), but the entry in the halmote books normally would state if this was the case.
4. Migration was common in England after the Black Death, with turnovers above sixty percent (Hilton 1969, 32–34; Raftis 1964, 153).
5. Compared to events in Essex, the bishop’s actions were strong, although more concentrated chronologically (Poos 1991, 240–246).
6. The situation on the Prior and Convent of Ely’s manor of Lakenheath is not entirely dissimilar (Bailey 1995, 18). Extreme examples of friction and

conflict may have been the product of inept management or greedy lords as much as any general but latent tendency to revolt within the English manorial system.

7. The records of the Priory halmotes, although from a later period, include numerous marginal notations indicating full or partial pardons of fines through the agency of the Prior or other obedientiaries.
8. Alan Pese and his associates were to go to Durham before the council to show why they were not obligated to pay the former rent for their land (PRO DURH 3/12, f 108r).
9. It is also rather striking that he is mentioned as clerk and neif in the same entry; one might have expected that his dispensation to be a cleric would have coincided with formal manumission. However, he was not unique as a serf-priest in Durham. Bishop Richard de Kellawe had freed Walter de Heighington, clerk, in 1312 (Reg. I, f 197), and in 1388 the Prior of Durham would free sir Thomas, son of Richard of Middlestone, chaplain, along with his two brothers (Reg. II, f 295r).
10. A Thomas Short Jr. and Sr., a Johannes Richardson, and several Cherys were tenants in the village of Boldon; as so many of these men had patronymics, many others may have stayed and had descendants there as well (*Hatfield's Survey* 99–100).
11. Bailey found a similar reluctance to standard unfree holdings in the Prior and Convent of Ely's manor of Lakenheath; he concludes that the peasants were demanding that these lands be let at leasehold, and not on customary terms, and so is an example of bargaining rather than poverty or lack of tenants (1994, 7–10).
12. Horrox translated *contumeliosus et maliciosus* as “quarrelsome and rancorous” (1994b, 331).
13. Other lands had been let to officers at low rents (PRO DURH 3/30, m 4; 3/12, f 71v).
14. At the time of the plague, Stere and Tickhill were bailiff of two manors each (*Hatfield's Survey* 211, 216, 232, 236). This does not seem to have been unusual, on the bishop's estate at least. Stere had served as coroner as well (PRO DURH 3/12, f 90r).
15. Many of these men held multiple posts concurrently, although on the Priory, Halcrow argued that it was rare for a sergeant to oversee multiple manors (1949, 85–86). Some of these men may have been neifs. John de Chilton, sergeant of the Priory manor of Ketton, paid £20 for his manumission in 1388–89 (Bursars' Rolls).
16. Hilton also argues that peasant resistance became violent when “no general legal redress was possible” for the peasants; but this should be amended to account for perceived improper functioning of legal or seigniorial avenues of redress (1949, 131–133). Surprisingly, Durham lacked the various episodes of violence Hilton described.

17. Dyer found similar instances in the manor courts of the bishopric of Worcester, but from his description they seem uncommon, more of an occasional disturbance than pointed resistance (1980, 268–269).
18. It is dangerous to make assumptions about people based on their names, though in some cases it does seem appropriate (as with William Standupryght, above). More often than not, such assumptions have little basis in fact. For example, Bradshaw interpreted the surname Acris as a sarcastic comment on the man's intelligence or competence, translating the name as "Sharp Tommy" and taking this as evidence of a dull-witted candidate (223).
19. Similar actions led to a petition to Parliament in 1371 by lords elsewhere, who complained that serfs demanding freedom were crippling their estates and preventing them from functioning (Hilton 1969, 28–29).
20. They did serve the bishop in other capacities in all likelihood, but the peasants would not have associated these men with the estate. John Moubray does not appear in any other bishopric or palatinate records to my knowledge. Peter de Richemund and Roger de Blaykeston served as justices on an inquest *post mortem* in 1351 (PRO DURH 3/2, f 47v–48r). The Blaykestones were an important gentry family in the county, and were one of the major free tenants of Durham Priory, holding Blakiston Hall (par. Norton) (C.D. Liddy, E-mail to P. L. Larson).
21. It did not reflect a falling out of favor, as Gray continued to act for the bishop in other capacities (Rawcliffe 1992b).

NOTES TO CHAPTER SEVEN

1. The plague probably returned in 1361 and 1369, and later in 1379 and 1391 (Dodds 2002b, 22–24; T. Lomas 1975, 261; R. Lomas 1989, 136). The halmote records do not refer to subsequent visitations of the plague, however.
2. According to the halmote books, de Westle served as steward until 1361, when Alan de Shotlyngton replaced him. In 1352, de Westle was Master of Gretham hospital (PRO DURH 3/30, m 8). By 1363 he had become Archdeacon of Durham, and it seems likely that he ceased being steward to take up this new and more lucrative post, which may have been a reward for his efforts as steward (PRO DURH 3/30, m 14).
3. Halcrow argued that "[i]t does not appear to have been difficult to find tenants in the fourteenth century" (1949, 35), although that statement might have to be qualified to refer the core holdings in a village.
4. This conflicts with Olson's conclusion that jurors in Upwood and Ellington were the "voice of the community" and did not have the dual seigniorial and village role that the reeves had (128–161).
5. Cf. Dyer 1994, 412–14 and 416–18.

6. As it did elsewhere; Dyer found that a new steward with an aggressive policy could cause all sorts of problems (1980, 278–279).
7. Olson argued that in Upwood and Ellington the peasants had the upper hand with the abbot of Ramsey in these power negotiations, and Raftis 1996 makes a similar argument. However, given the lack of any real “push comes to shove” moment on the bishopric estate comparable to those in Halesowen, it would be too much of a stretch to see the same dynamic here. It could be said that the bishop and his stewards were more powerful for recognizing the strength of the peasantry and moving to circumvent it, making a profit and ensuring compliance in ways that the peasantry could not truly resist.
8. See also Halcrow 1949, 57. The bursar ordered the brewers to sell ale to the prior and other officials when they had it (Halm. Rolls Autumn 1375). In the summer of 1366, everyone in South Pitlington, except Thomas de Tindal, was charged with refusing to sell hens to the terror (Halm. Rolls Summer 1366). In 1369, the bursar amerced Gilbert John’s son and Gilbert’s wife Joan because they “did not wish” to sell ale to the lord Prior (Halm. Rolls Autumn 1369).
9. The economic implications of this practice are mixed. Many peasants could afford to pay the higher prices; but, on the other hand, the higher prices would have prevented many others from buying ale.
10. J. Bennett provides a thorough exploration of the assize and its meanings (1996, 4, 160–63). The Priory Marshalsea court regulated weights and measures; this court frequently coincided with the halmotes, but was a separate court with its own records. The surviving rolls for the court have been printed (*Durham Account Rolls*, III, 327–371); I am grateful to Mr. A.J. Piper for pointing these records out to me. A paper draft (Loc. IV: 250) of the autumn 1395 halmote court for Pitlington, East Rainton, and West Rainton (Halm. Rolls 1395 Autumn), is nearly identical to the halmote roll except the draft includes several entries regarding measures for brewing, baking, and cloth, in a style consistent with the Marshalsea rolls.
11. There are occasional references to Priory *vidue domini*, but very few; the switch to leases obviated the need for this concept.
12. J. Bennett’s work on leyrwite has redefined the modern understanding of the concept, in particular the role of gender (2003); her analysis has implications for other seigniorial dues, even when gender was far less of a factor. The major work on medieval English prostitution covers both full-time and occasional prostitutes (often called common women) (Karras).
13. The amercement of Jonkynson and Miryman is surprising, as the housewife frequently was exempt from labor services; this was true on the bishopric estate, where *excepta housewyva* is a common expression of this idea in numerous entries in *Hatfield’s Survey*.

14. Commutation of labor services had been in the hands of the bailiff of the local manor and were accounted for in his annual reckoning (Manorial Accounts). Starting in 1353/54, the bursars centralized the practice of commutation and received payments directly, which were enrolled in a new *titulus* in the Bursars' Accounts, and by 1365/66, the payment for commutation directly to the bursar was standard practice, and commutations were listed vill by vill rather than individually (Bur. acs. 130/01–1400/01).
15. A copy of this inquest exists (2.9 Spec. 12). The Priory held a second round of inquests in 1395, but after then requested inquests only sporadically, perhaps to update the existing records (Halm. Rolls Autumn 1378, Spring 1380, Spring 1386, Summer 1395, Autumn 1407, Spring 1461; Halm. Bks. I, f 18r; II ff 112v–113r. There may have been other inquests, the records of which are lost, as the Priory halmote records are patchy for the first half of the fifteenth century. Furthermore, there are a number of blank inquests, ending after the generic formula “[the jurors] declare upon their oath;” while these could be any sort of inquest, the size of the empanelled juries was commensurate with those of the neifty inquests, and rarely used for any other business.
16. For example, the inquests listed no wives or grandchildren, yet evidence from the halmote courts indicates that many of the men were married at the time of the inquest. The inquests demonstrate that neifs comprised only a fraction of the estate's population, but any calculation must be speculative. Compare these to the Register compiled by Spalding Priory in 1478, which contains extensive pedigrees and records of servile dues, some dating back two centuries (E. Jones 148).
17. This is the opposite of the bishopric estate. There is no evidence that the bishopric convened these general neifty inquests, or that bishopric officers ever attempted to compile a list solely of neifs; the lists de Westle demanded were of all tenants in the villages, and had no direct connection with neifty. To the bishops, maintaining serfdom was a low priority, probably because there were so few. Fugitives were charged a fine for their absence or recovered when possible, but overall the bishopric spent little effort on their neifs. A handful of fifteenth century examples occur, but these are very rare.
18. There has been considerable debate regarding the population trends and the success in lords in finding new tenants; see Chapter 4 n. 4.
19. Unlike the bishopric estate, where there usually was little turnover in the office of steward, the office of bursar changed hands frequently.
20. The older view is exemplified by B. Harvey's comment on the administrators of the estates of Westminster Abbey in the years after the Black Death (245), although these comments might apply more accurately to lord-tenant relations rather than the economy.
21. The initial move towards leasing occurred in the closing decades of the thirteenth century, after a rationalization of the diverse tenures on the Priory

estate (*Bursar's Rentals* 200–219; R. Lomas 1973, 18–19, 116–118). Based on evidence from the bishopric estate, Postan hypothesized that the trend towards leasing of demesne was constant since *Boldon Book*, and thus was an exception to the general timeline he proposed, which had the reverse trend (1973, 92–96, 101). The lack of evidence for the bishopric estate prevents confirmation of Postan's hypothesis. Judging from the slightly fuller Priory evidence from that period, the commutations and leasing had ended but were not reversed, and this may have been true for the bishopric as well. However, in Durham the leasing of demesnes and the commutation of labor services were not inseparable.

22. Tuck argued that the switch to leasing in northern England was linked directly to the flight of serfs from estates (580–582). In this he is echoed by Fryde (1991, 788–791). This was not the case on the Priory main estate; flight was not a problem, and overall the small unfree population could have had little influence on demesne cultivation.
23. Muggleswick was the prime cattle center and Le Holme, near Billingham at the mouth of the Tees, was the Priory's headquarters for sheep rearing, while Bearpark (or Beaurepaire) was the prior's personal retreat (*Bursar's Rentals* 200–219 *passim*). Although the flocks and herds were not as large as some abbeys—Le Holme boasted only 1,500 sheep in 1446–47 and Muggleswick 600 head of cattle in 1435–36—the Priory was by far the largest stock owner in the county (Dobson 1973, 277).
24. Again, this is similar to changes at Westminster Abbey and elsewhere, where various burdens such as entry fines and heriots were waved (B. Harvey 244–55). On the Worcester Priory estate, the monks largely converted heriots from death dues into a new entry fine (Hargreaves 58–59).
25. While absent in this particular demise, the phrase *reddant antiquam firmam et servicias* occurs more frequently than *antiquam firmam* alone. If the bursar charged a different rate, the formula used was *reddant per annum X*.
26. I.e., the amorphous custom of *vicinagium*, although the term itself was used more widely on the bishopric estate.
27. There is no evidence that neifs paid higher entry fines.
28. Fryde argues that these short-term leases usually were not subject to the protection of custom and often included the commutation of services (1996, 227–228). Regarding early leases “at will” elsewhere, see Hargreaves 59 and B. Harvey 244–55. Bursars occasionally made leases “at will” for temporary demises, but quickly abandoned the practice, as all customary tenures, for years or for life, were “at will.”
29. The retention of labor services might seem overly conservative and optimistic, but the Priory manors did require customary labor at certain times of the year, especially harvest-tide. There were also important social and political ramifications to the retention of labor services. By retaining the services, the Priory officials continuously re-iterated their position as lords

and reinforced the hierarchy, rendering those services into symbols of lordship. Fenoltea examined the social benefits of demesne cultivation (695, 713–18).

30. In contrast to tenures on the bishopric estate, Priory customary tenures never evolved into copyhold. Later, the Dean and Chapter (post-Dissolution successors to the Prior and Convent) used the practice to the tenants' detriment by denying them the rights and protections accorded to copyhold land (Dobson 1973, 283–84).
31. This is *theoretical* income, and is not adjusted for arrears or decayed rents.

NOTES TO CHAPTER EIGHT

1. This is a result of one clause of *le convenit*. Apparently, this included commissions investigating labor infractions.
2. Ault does note later that Durham was odd in that "[t]he villagers needed to be prodded," but explains this as due to the mixing of free tenants and bondmen in the Durham villages (393).
3. For a similar story of perversion of gifts from above, see J. Scott's description of the Malaysian peasant Razak. Razak, as a member of the ruling party, received assistance and largesse instead of non-party members. Once, upon being given a new, porcelain toilet bowl, he traded it for some cash and a plastic bowl, and sold the latter (1985, 5). Many of Razak's other activities (and those of modern peasants as a whole) are similar to those of the Durham peasantry: taking a little extra here and there, short-changing others, avoiding too much work, and so on.
4. Olson found that communal institutions were weakening after the Black Death in Upwood and Ellington, with an increase in the role of the individual as villagers failed to work together.
5. A similar situation prevailed in Halesowen, with the richer peasants making the greatest profit at the cost of lesser tenants who did not have the resources to compete (Razi 1980, 146–50); Hilton puts this in a more European context (1990, 46–47).
6. For example, John Miryman paid 12s. to collect the Billingham tithes for twelve days in 1371–73, John Tiddesman threshed the tithe grain in 1379–80, and John Wermouth, Jr., collected the Billingham tithes in 1449–50 (Dodds 2002a, 51–66; Bur. acs. 1371–1373, 1379/80). It was not uncommon for men to hold both village and estate offices; for instance, Alan the sergeant of Newton Ketton, served as a juror in the same vill (Halm. Rolls Autumn 1369).
7. Raftis (1965; 1974; 1981), Olson, and E. DeWindt (1971) have noted breakdowns in communities after the plague.
8. It is here that a clear application of closure theory becomes difficult, as the allegiances and motivations constantly shifted. That both types of closure

existed cannot be disputed; but which groups were driving the closure? The alliances were too unstable, and the stakes too variable, and tactics shifted constantly.

9. Olson found a general rise in violence and friction after 1350, with severity varying from period to period, and linked this to deterioration of the village community (93–94, 162–165, 172–175).
10. Roger Trollop paid the fine; his relationship to William is unknown. Roger paid because “he had his salary in hand,” which indicates that Roger was probably an estate employee of some sort.
11. Hilton mentioned the inclusion of peasants in gentry maintenance “gangs” as a way that the peasants entered into the wider political sphere, but did not develop this idea or cover the possibility that peasants were employing such “institutions” on their own (1990, 45).
12. Bradshaw discussed scolds in Durham only briefly (191–192).
13. The bursar reduced the amercement to 6d. Whether these women were punished by anything other than a fine is unknown.
14. In the spring of 1366, one brewster even left court before being dismissed because she was unwilling to sell to one of the men of the village while the court was in session (Halm. Rolls Spring 1366). In 1398, the bursar instructed the village brewers to have enough to sell at the next tourn, and to sell to the prior, terrar, bursar, steward, and others (Halm. Rolls Summer 1398).
15. Orders such as these could be general, directed to all men in a village, or directed to specific men with particularly notorious wives.
16. Such bonds were not unique, however; Dyer found similarly high sums threatened to keep the peace elsewhere (1994b, 9).
17. Priory officials attempted to discourage other games as well, including cards, dice, tennis, and other ball games, but football was the most frequently-named game, either in punishments or in bans. I am grateful to Mr. A.J. Piper for bringing football to my attention and providing me with the earliest references in the halmote rolls.
18. There has been considerable work on the make-up of rebel groups, and on their leaders, really beginning with Dyer’s project on the 1381 Rising (1984, 14–29, 33–36), but subsequent studies of local movements also have revealed the role played by the better-off peasants in creating and directing resistance (Eiden 24–28; Franklin 184; Hargreaves 54).
19. In the early modern period, where outbreaks of unrest and violence appear more common, authorities were quite willing to take significant steps to avoid disturbances (Thompson 122–123).
20. Every tenant must have received a copy, as the full terms and conditions of their leases are not spelled out in the halmote books. It would seem that this practice had its origins before the Black Death, but this is indeterminable.

21. McIntosh has argued that hedgebreaking was indicative of poverty (poor tenants stealing wood and brush), and its suppression a sign of attempted social control (1998, 10). In Durham, the frequency of the infractions and the numbers of tenants involved reflect wide tenant involvement, although the worst infractions were limited geographically to a handful of villages, notably Sedgfield and Norton. As these villages may have had less pasture, it seems that this offense is agricultural rather than a sign of poverty. Although the Durham peasants sometimes cited poverty to excuse hedgebreaking and other actions, such a level of poverty as envisioned by McIntosh would be surprising, and in any case, some of those cited were among the better-off customary tenants. There are two alternative explanations. The first is that the offense concerned trespass on other tenants' lands (either by a person or through their animals); in some instances this was clearly the case, and it accords well with the conflict over agriculture and community that occurred later on the Priory main estate. The other explanation is that this hedgebreaking was indeed the taking of wood or brush for fuel, but that the peasants saw this as one of their rights.
22. There is one example of a disintegrating community from the bishopric estate; in the 1350s, Ricknall was becoming a ghost town, as strife amongst the remaining tenants transformed it from thriving village to little more than a grange (PRO DURH 3/12, ff 75r, 130v).
23. Too little is known about later plagues in Durham. There are spikes in mortality discernible in the records, but with one exception (in the mid-1390s) these do not seem to have caused any significant change in either the manorial system or the economy as a whole.

NOTES TO CHAPTER NINE

1. Dyer touches on many of the relevant questions in his *Ford Lectures* (2005). On the general topic of the depression in England, John Hatcher's "The Great Slump of the mid-fifteenth century," is the best starting place, while for the manorial economy specifically, see Raftis's "Peasants and the Collapse of the Manorial Economy on Some Ramsey Abbey Estates." Those essays will provide the basic foundation and further bibliographic references, and these also make clear how much work remains to be done on the topic. A number of scholars have focused on aspects of this slump in northern England or Durham specifically, either directly or as part of longer economic analyses (Arvanigian; Pollard 1989; Dodds 2002a, 2002b, 2005a, 2005b; Dobson 1973).
2. Halcrow discusses the bursars' enrollment of decayed rents and vacant lands separately from the halmote rolls (1955, 353).

3. Based on his study of southeast Durham, T. Lomas concluded that the standard entry fine on the bishopric was 3s. 4d., though it did vary considerably (1984, 307–308).
4. Leyrwite and merchet were rarely extracted at Kibworth Harcourt, although heriots and alternate marriage fines were imposed (Howell 33–34).
5. See Britton's argument about the fining for non-performance of labor services as *de facto* commutation (170). Something similar was happening with many of these amercements; only in cases of mass infractions can these be seen as resistance, and even then, the possibility remains that this was still a *de facto* custom.
6. Some of these results echo Dyer's findings on the bishopric of Worcester, notably the ability of the bishops of Worcester (or their stewards) to maintain servile dues despite concessions on rents and services (1980, 264–282).
7. Hilton argued persuasively that the presence of free and customary tenants side-by-side was a key cause of conflict. This juxtaposition constantly reminded the serfs of their inferior status and drove them to prove their freedom (1969, 24–25). Given the centrality of this idea to Hilton's theory, it is important to know whether such tension existed in Durham. Hilton based his hypothesis on the assumption that nearly half the peasantry were serfs. In a county where probably not much more than twenty percent of the peasantry were unfree, one would expect even greater resentment, but the opposite was true. There was little evident tension, and the Priory's exhaustive inquests quickly squashed further attempts to claim freedom. Additionally, the large numbers of free tenants of customary land relative to the neifs may have dampened or prevented the jealousy that Hilton seized upon as an explanation. A better place to search for such tension is between the tenants of free land and of customary land. The divide between free and customary tenants is quite evident, and probably had always been so. This complicates a comparison of Durham with Hilton's hypothesis, and possibly even renders it moot. However, in those villages that did have such contact, the conflict was between the villagers. Appealing as it is, Hilton's theory does not work in Durham, and this is one of the few strong cases where Durham's peculiarities influenced its historical path.
8. R. Lomas put the decline of the Priory halmotes after 1430 (1973, 57), but in some villages the decline had begun earlier.
9. Pledging was widely used in England, to provide sureties for many purposes, primarily for good behavior, attendance at court, and payment of rents and fines. However, a number of scholars have found that pledging declined after the Black Death (E. Dewindt 1971, 263; Olson 84; Dyer 1980, 267; Hanawalt 1998b, 250). One of the difficulties in interpreting pledging, and one not always discussed, is whether it was a peasant or a seigniorial institution; after all, the purposes of many pledges was to ensure payment of rents and amercements to the lord. Thus, the decline of pledging may be

connected to changes in village communities and a rise of individualism, or to a lessening seigniorial presence. *Pene* had been present in Durham since the Black Death, coexisting with bylaws and pledging.

10. Ingelond appeared occasionally as a defendant in Billingham, but was not a resident.
11. Dyer observed a similar lack of bylaws in the bishopric of Worcester (1980, 269). Unfortunately, the court records provide almost no evidence for debates about the field system, the balance of pastoral and arable agriculture, or enclosure. It is entirely possible that the peasants practiced a far more independent cultivation than is usually assumed. The low profile of the bylaws lends support to an informally regulated style of agriculture, and one that perhaps may have been less communal, and possibly less prone to conflict.
12. E. DeWindt discusses the formation of interpersonal power relationships (patron-client, lender-lendee) in Holywell, but primarily for the fifteenth century (1971, 281). Hanawalt observes such a development as well in her discussion of the rise of “good governance” after the Black Death, as peasants built up their own affinities and used these to keep peasants in line (or at least out of court); she describes these as pyramids under powerful peasant patrons (1998, 256). With engrossment of holdings and a tradition of powerful, almost hereditary village offices, this would make sense for Durham, but again, the evolution would not have been so complete by 1400. The time to find this likely would be late in the fifteenth century, when R. Lomas observed the bursars withdrawing and peasant elites taking more power (1973, 57).
13. During the pontificate of Walter Skirlaw (1388 to 1406), twenty-seven of the forty-eight villages that elected reeves did so only once (in 1391, for most of them). Of the other twenty-one villages that elected reeves, only two (Norton and Whickham) did so more than four times. Although the pattern for the tenure of office in the time of Bishop Hatfield has not been calculated, elections of reeve were infrequent. (Larson 2000, 44–47).
14. The upheaval was not limited to Durham, as the bursar’s two properties on the far side of the Tyne in Northumberland, Wallsend and Willington, also fit the pattern.
15. Over and Nether Heworth, Southwick, Monk Wearmouth, Fulwell, Pitington, West Rainton, Billingham, Cowpen Bewley, Wolviston, Newton Bewley, Aycliffe, Ferryhill, and one other village (name illegible).
16. Over and Nether Heworth, Monkton, Hedworth, Monk Wearmouth, Southwick, Fulwell, Harton, East Rainton, West Rainton, Pitington, Monk Hesledon, Newton Bewley, Billingham, Cowpen Bewley (also ordered to elect two collectors), Aycliffe, Kirk Merrington, Westerton, Middlestone, Ferryhill, and one other village (name illegible).

17. Over and Nether Heworth, Southwick, Monk Wearmouth, Fulwell, Harton, East Rainton, Wolviston, Newton Bewley, Cowpen Bewley, Billingham, Aycliffe, Westerton, Middlestone, Kirk Merrington, Monk Hesledon, and one other village (name illegible).

NOTES TO CONCLUSION

1. The work on the 1381 Rising and other peasants revolts has increased dramatically, and many of the works have been referred to herein. There are two classic works (Hilton 1973; Hilton and Aston) directly on the rising, as well as a collection of sources (Dobson 1989) that should form the starting point of any inquiry.
2. Olson saw the difficulties in this period as being the beginning of the end of the dialogue between lords and peasants (229–230), but this assumes that they had been on the same page to begin with.
3. The most recent discussion of the trends and historiography may be found in Britnell 2004a and Dyer 2005. For other recent works, see Chapter 1.
4. Economic changes are harder to pin down. However, for lords and peasants and the manorial economy and society specifically, Britnell notes many decisive shifts beginning in the last quarter of the fourteenth century (2004, 374–381, 430–435). E. DeWindt (1971), Olson, and Howell noted shifts in village communities in this time frame, from increasing disorder to individual agricultural operations to changes in community cooperation. Hanawalt saw a dramatic transformation in ideas of responsibility and governance, from the community to the individual, beginning in this period (Hanawalt 1998b). Bardsley argued the prominence of scolding arose in this period due to changes in society and gender relations (1999a). Bailey observed that peasant resistance in the fifteenth century was more refined and confident (1994, 156–158); this likely was a result of earlier successes in the late fourteenth century.

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Fulw. acs. 1336–1412/13. Fulwell Manor Account Rolls.

Halm. Rolls 1358–1509. Priory Halmote Rolls.

Note: the first tourn was held in the summer, and the halmote clerks numbered the rolls accordingly. Thus, the third tourn of 1376 was actually held in the spring of 1377 according to modern reckoning. The rolls were reclassified in the late twentieth century according to the modern calendar. However, many earlier works and editions refer to the rolls by the old-style reckoning (e.g., 1376 I, II, III, where the third tourn was held in the spring of 1377).

Halm. Bks. I-II. Priory Halmote Books.

Loc. IV: 125, 250.

Loc. XXVIII: 1.A-K.

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1.5.Pont. 16, 19.

2.10.Pont. 3.

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